

**ORDINANCE NO.**

**AN ORDINANCE AMENDING MULTIPLE CHAPTERS OF TITLE 16 OF THE STOCKTON MUNICIPAL CODE FOR CONSISTENCY WITH THE GENERAL PLAN AND CHANGES TO STATE LAW**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:**

**SECTION I: FINDINGS AND INTENT**

1. The City Council is authorized by section 16.212.030 of the Stockton Municipal Code (SMC) to adopt amendments to the provisions of Title 16 based on the following Mandatory Findings of Fact for Development Code Amendments.

- A. **Finding #1:** The proposed amendment ensures and maintains internal consistency with general land uses, objectives, policies, programs, and actions of all elements of the General Plan on balance and would not create any inconsistencies with this Development Code.

Evidence: The proposed amendment to Title 16 (Development Code) are required for consistency to the General Plan and new State Law. These changes will amend land use standards for density, streamlining for ministerial projects, and changes to development standards to comply with new State Law. These amendments are internally consistent with all policy and regulatory documents.

- B. **Finding #2:** The proposed amendment will not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the City.

Evidence: The proposed amendments are required for consistency to the General Plan and State Law. These amendments will not result in physical impact or change to the land use intensities identified in the General Plan Environmental Impact Report (EIR). Many of the changes are required per changes to State Law or are needed to bring the development standards into compliance with the recently adopted General Plan. Other changes are to allow ministerial review for projects that demonstrate consistency with the development standards of Title 16. Future proposals based on the amendments will be reviewed on a case-by-case basis for consistency with all Federal, State, and local requirements, in addition to the land use intensities identified in the General Plan EIR.

- C. **Finding #3:** The proposed amendment complies with the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines.

Evidence: The proposed rezone is a discretionary "project" under the California Environmental Quality Act (CEQA), and therefore requires analysis. State CEQA Guidelines Section 15183, provides that projects which are consistent with the development density established by a Community Plan, General Plan, or Zoning

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for which an environmental impact report (EIR) has been certified. The proposed development code text amendments are required to provide consistency with changes to the General Plan and State Law and have been considered as part of the General Plan Environmental Impact Report (EIR) (SCH No. 2017052062). These amendments will not result in physical impact or change to the land use intensities identified in the General Plan EIR. The EIR document provides a programmatic review of the potential impacts associated with implementation of the General Plan. None of the potential changes being considered will impact the analysis or conclusions of the General Plan EIR as the extent of the potential impacts and allowed density considered in the General Plan EIR. Future proposals based on the amendments would be reviewed on a case-by-case basis for consistency with this review and the General Plan EIR.

In addition, section 16.212.030.B.2 of the Stockton Municipal Code (SMC) requires the following Findings of Fact be made for Development Code Amendments.

- A. **Finding #1 (Development Code Amendments):** The proposed amendment would be internally consistent with other applicable provisions of this Development Code.

Evidence: Many of the changes are required per changes to State Law or are needed to bring the development standards into compliance with the recently adopted General Plan. Other changes are to allow ministerial review for projects that demonstrate consistency with the development standards of Title 16. Future proposals based on the amendments will be reviewed on a case-by-case basis for consistency with all Federal, State, and local requirements, in addition to the land use intensities identified in the General Plan EIR. The proposed amendments will be consistent with the General Plan, Municipal Code, as well as Building Code. The proposed amendments have been reviewed by the applicable departments for consistent with all applicable development standards.

## SECTION II: AMENDMENT OF CODE

Title 16, Chapter 16.12, Section 16.12.030 of the Stockton Municipal Code (SMC) is amended to read, as follows

### **16.12.030 Exemptions from development and land use approval requirements.**

The land use approval requirements of this Development Code do not apply to the activities, uses of land, and/or structures identified by this section; however, the following activities, uses of land, and/or structures may require other permits or approvals in compliance with Section [16.12.040](#) (Additional permits and approvals may be required). The following are permitted in all zoning districts subject to compliance with all applicable development standards of this Development Code, any other applicable approvals, and this section:

- A. **Decks, Paths, Driveways, and Other Minor Site Improvements.** Decks, platforms, patio slabs, on-site paths, driveways, and other improvements that are not required to have building or grading permits by Title 15 (Buildings and Construction) of the Municipal Code, when these improvements:

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1. Do not exceed 30 inches above natural grade and are not constructed over any basement or structure below; and
2. Are not part of a development review or other discretionary application, or required as part of any specific condition of approval.

**B. Fences and Walls—Residential Zoning Districts.** Fences and walls of six (6) feet or less in height in the residential zoning districts are exempt from land use permit requirements as provided by Chapter [16.48](#) (Fences, Hedges, and Walls) unless located within the required front yard or street side yard setback (Table 2-3, Zoning District Development Standards).

**C. Interior Remodeling.** Interior alterations that do not increase the gross floor area within the structure, or change the approved use of the structure.

**D. Portable Spas and Hot Tubs, Fishponds.** Portable spas, hot tubs, fish ponds, etc., in compliance with side and rear setback requirements in Table 2-3 (Zoning District Development Standards) and Section [16.80.020](#) (Accessory uses and structures) and any fencing requirements of the Building Code that do not:

1. Exceed 120 square feet in total area, including related equipment;
2. Contain more than 2,000 gallons of water; and
3. Exceed 30 inches in depth.

**E. Reconstruction of Destroyed Uses and Structures.** A use of land and/or structure destroyed by fire or natural disaster may be re-established as it existed, provided that it was legally established and in compliance with the use and development standards of this Development Code before destruction. Any nonconforming use or structure shall meet the requirements for nonconforming uses in compliance with Chapter [16.228](#) (Nonconforming Uses, Structures, and Parcels) before any use or structure is reestablished or repaired.

**F. Repairs and Maintenance.** Ordinary repairs and maintenance if the work does not result in any:

1. Change in the approved land use of the site or structure; or
2. Addition to, or enlargement/expansion of, the land use and/or structure.

**G. Solar Collectors.** The addition of solar collection systems to the roofs of existing structures, except: historic landmarks and structures within historic districts, which require a certificate of appropriateness in compliance with Section [16.220.060](#) (Certificates of appropriateness).

**H. Utilities.** The installation, construction, alteration, or maintenance by a utility or public agency of underground or overhead utilities (e.g., water, gas, electric, telecommunication, supply or disposal systems, including wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, etc.), but not including structures housing equipment, shall be permitted in any zoning district, provided that the route of any electrical transmission line(s) for 50,000 volts or more may be subject to Commission and Council review and approval prior to acquisition of rights-of-way. Utility equipment (boxes, cabinets, pedestals, transformers, vaults, etc.) are subject to Section [18.60.360](#) (Utility equipment). Public or private satellite, cellular, and other wireless communication facilities are subject to Chapter [16.44](#) (Communications Facilities).

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I. **Governmental Facilities.** Facilities of the City, County, State, a school district, special district, or the Federal Government, on land owned or leased by a governmental agency for governmental operations, are exempt only to the extent mandated by State or Federal law or, with regard to city facilities, upon written determination of the City Manager. (Ord. 023-07 C.S. § 3; prior code § 16-130.030)

J. Electric vehicle charging devices including supporting equipment.

K. Solar energy generation canopies located within existing parking lots when, as determined by the Director, no significant changes to circulation occur.

### SECTION III: AMENDMENT OF CODE

Title 16, Chapter 16.16, Section 16.16.020 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### **16.16.020 Zoning districts established.**

The City shall be divided into zoning districts which implement the General Plan. The zoning districts described in Table 2-1 are hereby established, and shall be shown on the official Zoning Map (Section 16.16.030). Zoning District Densities are shown on Table 2-1, with permitted uses on Table 2-2, and Development Standards on Table 2-3. The purposes of the individual zoning districts are as follows:

##### **A. Residential Zoning Districts.**

1. **RE (Residential, Estates) District.** The RE zoning district is applied to single-family residential development on large lots. It is intended to provide a transition from rural to urban areas on the urban fringe. Allowable density shall be a maximum of one (1) dwelling unit per acre. The RE zoning district is consistent with the low/medium density residential land use designation of the General Plan.

2. **RL (Residential, Low Density) District.** The RL zoning district is applied to single-family residential neighborhoods, low-density residential planned developments, and/or other low-density residential development, and is intended to maintain densities and protect existing neighborhood character. Allowable density shall be up to 8.7 dwelling units per net acre and 6.1 per gross acre. The RL zoning district is consistent with the low/medium density residential land use designation of the General Plan.

3. **RM (Residential, Medium Density) District.** The RM zoning district is applied to more intensely developed residential neighborhoods and/or other medium-density residential planned developments. Allowable housing types may include single-family independent dwelling units, duplexes, triplexes, townhouses, and multifamily units. Allowable density shall be 8.8 to 17.4 dwelling units per net acre and 6.2 to 13.1 dwelling units per gross acre. The maximum Floor Area Ratio (FAR) for neighborhood-serving retail uses is 0.3. (however, any single legal residential parcel of record may be developed with one (1) single-family dwelling). The RM zoning district is consistent with the low/medium density residential land use designation of the General Plan.

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4. **RH (Residential, High Density) District.** The RH zoning district is applied to high-density residential neighborhoods. Allowable housing types may include multifamily and various types of group housing, as well as high density single-family residential development. The RH zoning district is consistent with the High Density Residential land use designation of the General Plan. Consistent with the General Plan, allowable densities are as follows:

- Outside the Greater Downtown - 17.5 to 30 dwelling units per net acre and 13.2 to 24 dwelling units per gross acre. The maximum Floor Area Ratio (FAR) for neighborhood-serving retail uses is 0.30.
- Inside the Greater Downtown - 20 to 90 dwelling units per net acre and 16 to 72 dwelling units per gross acre. The maximum Floor Area Ratio (FAR) for neighborhood-serving retail uses is 3.0.
- Inside the Downtown Core - up to 16 to 108.8 dwelling units per net acre and 20 to 136 dwelling units per gross acre. The maximum Floor Area Ratio (FAR) for neighborhood-serving retail uses is 5.0. (however, any single legal residential parcel of record may be developed with one (1) single-family dwelling).

### B. Commercial Zoning Districts.

1. **Residential Density and Floor Area Ratios (FAR).** The allowable residential densities and Floor Area Ratios (FAR) for the CO, CN, CG, and CD zones are as follows:

- Outside the Greater Downtown area - 17.5 to 30 dwelling units per net acre and 13.2 to 24 dwelling units per gross acre. The maximum Floor Area Ratio (FAR) is 0.3.
- Inside the Greater Downtown area may be 20 to 90 dwelling units per net acre and 16 to 72 dwelling units per gross acre. The maximum Floor Area Ratio (FAR) is 3.0.
- Inside the Downtown Core - up to 20 to 136 dwelling units per net acre and 16 to 108.8 dwelling units per gross acre. The maximum Floor Area Ratio (FAR) is 5.0.

2. **CO (Commercial, Office) District.** The CO zoning district is intended to be a transitional area between residential and general commercial uses. The primary uses in this district include offices, incidental retail and/or residential in conjunction with an office, and other compatible uses. The CO zoning district is consistent with the administrative-professional land use designation of the General Plan. ~~Allowable densities for residential units in conjunction with an office may be up to 29 dwelling units per net acre. Other residential density may be up to 17.4 dwelling units per net acre; minimum density is 8.8 dwelling units per net acre.~~

3. **CN (Commercial, Neighborhood) District.** The CN zoning district is applied to small-scale, limited retail and service areas that are designed to provide for the daily needs of the residents of the immediate, surrounding neighborhood. ~~Allowable densities for residential units may be up to 29 dwelling units per net acre; minimum density is 17.5 dwelling units per net acre.~~ The CN zoning district is consistent with the Commercial land use designation of the General Plan.

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4. **CG (Commercial, General) District.** The CG zoning district is applied to areas appropriate for a wide variety of general commercial uses, including retail, personal and business services; commercial recreational uses; and a mix of office, commercial, and/or residential uses. ~~Allowable densities for residential units in a multi-use project may be up to 29 dwelling units per net acre.~~ The CG zoning district is consistent with the commercial land use designation of the General Plan.

5. **CD (Commercial, Downtown) District.** The CD zoning district is applied to the downtown commercial area of the City. The intent of the CD zoning district is to encourage a mixture of high intensity uses to create a lively, pedestrian-friendly environment, with high visual quality. Appropriate uses include large scale commercial offices and office support uses, high-density residential development, tourist and lodging oriented uses, and governmental facilities. ~~Residential densities are allowed up to 87 dwelling units per net acre.~~ The CD zoning district is consistent with the commercial land use designation of the General Plan.

6. **CL (Commercial, Large-Scale) District.** The CL zoning district is applied to areas appropriate for large-scale integrated commercial retail centers with shared parking facilities. The CL zoning district is intended to serve a regional market area, and is to be applied to sites of at least 25 acres. The CL zoning district is consistent with the commercial land use designation of the General Plan.

7. **CA (Commercial, Auto) District.** The CA zoning district is applied to areas appropriate for new and used automobile dealerships and related uses and is to be applied to sites of at least three (3) acres. The CA zoning district is consistent with the commercial land use designation of the General Plan.

### C. Industrial Zoning Districts.

1. **IL (Industrial, Limited) District.** The IL zoning district is applied to areas appropriate for light manufacturing uses that may generate more nuisance impacts than acceptable in commercial zoning districts and whose operations are totally conducted indoors. Includes retail stores and ancillary office uses. The IL zoning district is consistent with the industrial land use designation of the General Plan.

2. **IG (Industrial, General) District.** The IG district is intended to allow a wide range of industrial land uses, including uses that may be conducted outdoors or associated with nuisance or hazardous impacts. Includes ancillary office uses. The IG zoning district is consistent with the industrial land use designation of the General Plan.

3. **PT (Port) District.** The PT zoning district is applied to areas of the City that are operated by “port districts” as formed under the [Harbors and Navigation Code](#) Section 6210 et seq., for the operation of port facilities, including wharves, dockage, warehousing, and related port facilities. The PT zoning district is consistent with the industrial land use designation of the General Plan and the Rough and Ready Island Development Plan for the Port of Stockton (as applicable).

### D. Special Purpose Zoning Districts.

1. **PF (Public Facilities) District.** The PF zoning district is applied to areas appropriate for a variety of public and quasi-public land uses, including facilities and

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lands owned by the City, County, State, or Federal governments as well as religious facilities. The PF zoning district is consistent with the institutional and parks and recreational land use designations of the General Plan. The maximum FAR is 0.2.

2. **OS (Open Space) District.** The OS zoning district is applied to areas of the City with open space resources, including agricultural lands, wetlands, wildlife reserves, and other sensitive natural resources; passive recreational areas such as golf courses; or natural hazards. Structural uses are limited to those which support the maintenance and/or use of the open space area. The OS zoning district is consistent with the open space and agricultural land use designations of the General Plan. The maximum FAR is 0.01.

3. **MX (Mixed Use) District.** The MX zoning district is intended to apply to large properties of at least 100 acres that can accommodate a wide range of land uses. A master development plan is required for each MX zoning district to identify specific allowable land uses and development regulations. The MX zoning district is consistent with the mixed-use designation of the General Plan.

4. **UC (University/College) District.** The UC zoning district is applied to areas of the City that are dedicated to private institutions of higher learning, to enable campus modifications or changes with the minimum, appropriate land use regulations. A master development plan is required for each UC zoning district to identify specific allowable land uses and development regulations. The UC zoning district is consistent with the administrative professional land use designation of the General Plan. The maximum FAR is 0.5 Outside the Greater Downtown and 5.0 inside the Greater Downtown area.

E. **Overlay Zoning Districts.** The purposes of the overlay zoning districts are described in Chapter 16.28 (Overlay Zoning District Development Standards).

## SECTION IV: AMENDMENT OF CODE

Title 16, Chapters 16.20, Section 16.20.020 of the Stockton Municipal Code (SMC) is amended to read, as follows

### 16.20.020 Allowable land uses and permit requirements.

A. **Requirements for Primary Uses.** Table 2-2 identifies the primary land uses for each zoning district, except the MX and UC zoning districts. It identifies whether the use is allowed or not allowed, and indicates which land use permit would be required, if necessary, to authorize the use. Building permits or other permits may also be required by the Municipal Code. The land uses identified in Table 2-2 are defined in Division 8 (Glossary).

1. **Permit Requirements for Primary Uses.** The permitting requirements identified in Table 2-2 are:

a. **Permitted (P).** All land uses shown with a “P” in the table are allowed subject to compliance with all applicable provisions of this Development Code. Site plan review (Chapter 16.152) is required for new construction or for a



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change to a more intensive use, except as provided by Section 16.152.040 (Exemptions).

b. **Land Development Permit (L).** All land uses shown as “L” in the table that require construction of new structures or improvements, the expansion of an existing facility, or a change to a more intensive use, as determined by the Director, require the approval of a land development permit (Chapter 16.136). If there will be no construction, expansion of an existing facility, or a change to a more intensive use, the use is allowed without a new land development permit.

c. **Administrative Use Permit (A).** All land uses shown with an “A” in the table are allowed subject to the approval of an administrative use permit (Chapter 16.172). If there is an existing use permit for the use and there will be no new construction or expansion of an existing facility, no new use permit shall be required.

d. **Commission Use Permit (C).** All land uses shown with a “C” in the tables are allowed subject to the approval of a commission use permit (Chapter 16.172). If there is an existing use permit for the use and there will be no new construction or expansion of an existing facility, no new use permit shall be required.

e. **Not Allowed (Empty Box in Table).** All land uses shown with an empty box in the table are not allowed in the applicable zoning district.

f. **Not Allowed, Except Under Special Circumstances (E).** All land uses shown with an “E” on the table are not allowed in the applicable zoning district, except under the special circumstances identified in the specific use standards referenced in Table 2-2.

2. **Uses With Specific Standards.** All uses, regardless of the type of permit that may be required, shall comply with all applicable provisions of this Development Code. In addition, if there is a section number in the last column of the table (“Specific Use Standards”), the use is also subject to the referenced provisions.

3. **Multiple Uses on a Single Site.** Where a proposed project includes multiple land uses, and more than one type of land use permit is required, the most restrictive land use permit shall apply for all land uses.

4. **Changes to an Approved Project.** Changes to an approved project that required a land use permit shall be subject to the requirements of Chapter 16.104 (Changes to an Approved Project).

5. **Uses Not Listed.** Land uses that are not listed in Table 2-2 are not allowed, except as otherwise provided by Section 16.08.020(E) (Rules of interpretation—Allowable uses of land).

B. **Allowable Uses and Permit Requirements for the MX, UC and PT Districts.** The uses of land that may be allowed within the MX, UC and PT zoning districts and the land use permit requirements for each allowable use shall be identified in the master development plan applicable to the specific site, in compliance with Chapter 16.140 (Master Development Plans) and the Rough and Ready Island Development Plan for the Port of Stockton, CA for the PT zoning district (as applicable).



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C. **Overlay Zoning Districts.** Development located in overlay zoning districts (Aircraft Operations Overlay District, Design Review Overlay District, Channel Area Overlay District, and Magnolia Historic Overlay District) shall be in compliance with Chapter 16.28 (Overlay Zoning District Land Use and Development Standards).

D. **Accessory Uses.** Accessory land uses are subject to the requirements of Section 16.80.020 (Accessory uses and structures).

E. **Temporary Uses.** Temporary uses are subject to the requirements of Chapter 16.164 (Temporary Activity Permits).

F. **Freeway and Highway Oriented Uses.** The following uses, when both located within 1,000 feet of Interstate 5, State Highway Route 4, or State Highway Route 99 and allowable through a Land Development Permit, Administrative Use Permit, or Commission Use Permit, shall be considered a Permitted (P) use:

1. Auto/Vehicle Services: Car Washes; and
2. Auto/Vehicle Services: Fueling Stations.

The measurement of distance under this provision shall be made from the outside boundaries of the respective freeway or highway right-of-way to the property line of the proposed use. This provision excludes land zoned MX, UC and PT.

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TABLE 2-2

## ALLOWABLE LAND USES AND PERMIT REQUIREMENTS

LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
AGRICULTURAL AND RESOURCE-RELATED USES																
Agricultural activities & facilities	P											P	P		A	16.80.060
Cannabis cultivation											C	C	C		C	16.80.195
Conservation areas	L	L	L	L	L		L	L	L	L	L	L	L	L	L	
Mining											A	A	A	A		
BUSINESS AND PROFESSIONAL USES																
Banks and financial services					P	P	P	P	P	P			P			
Business support services						P	P	P	P	P		P	P			
Offices					P	A	P	P	P	P		A	P	L		16.80.240
INDUSTRY, MANUFACTURING & PROCESSING USES																
Electricity generating plants/facilities other than nuclear											C	C	P	P		16.80.170
Electronics, equipment & appliance manufacturing											P	P	P			16.80.170

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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Fabric product manufacturing								P			P	P	P			16.80.170
Food and beverage product manufacturing								P			P	P	P			16.80.170
Furniture and fixtures manufacturing											P	P	P			16.80.170
Handcraft industries, small-scale manufacturing								P			P	P	P			16.80.170
Laundries and dry cleaning plants											P	P	P			16.80.170
Manufacturing																
Light											P	P	P			16.80.170
Heavy												A	P			16.80.170
Cannabis distribution											C	C	C			16.80.195
Cannabis manufacturer (volatile and non-volatile)											C	C	C			16.80.195
Cannabis, microbusiness											C	C				16.80.195

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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Cannabis testing laboratory*					P	P	P	P	P		P	P				16.80.195
Metal products fabrication, machine/welding shops											P	P	P			16.80.170
Petroleum storage and distribution												A	P			16.80.170
Printing and publishing								P		L	P	P	P	L		16.80.170
Recycling and waste facilities																
Collection facility							L	L	L		P	P	P	L		16.80.290
Redemption centers																
Major							C	C	C		C	C	C	C		16.80.290
Minor							A	A	A		A	A	A	A		16.80.290
Recycling facility												A	P	A		16.80.290
Scrap and dismantling yards												A	P			16.80.170
Transfer stations												C	P	A		16.80.290
Research & development (R&D)								A		L	P	P	P	L		16.80.170
Storage yards											P	P	P	L		16.80.170

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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Academic schools—Private-CART.	A	A	A	A	A		A	A	A							
Academic schools—Public	P	P	P	P										P		
Colleges and universities—Private		C			C											
<u>Vocational and Technical Schools</u>					<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					
Equipment repair and maintenance training							P	P		A	P			L		
Specialized education and training					A	A	P	P	P	A	P		P	L		
Vehicle repair and maintenance training								P		A	P	P	P	L		
Truck and heavy equipment education and training											P	P	P	L		
Equestrian facilities	C										A	A		L	C	



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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Golf courses/country clubs	C	C	C	C	C		A	A			A		P	L	A	
Indoor recreation facilities							A	A	A	A	A		P	L		
Libraries and museums		C	C	C	P	P	P	P	P	P	P			L	A	
Live entertainment						P	P	P	P					P		16.80.180
Marinas							C	C			C		A	A		
Outdoor assembly facilities							A	A	A					L		
Outdoor commercial recreation facilities							C	C	C	C	C			A		
Parks and playgrounds	P	P	P	P	P	P	P	P						P	P	
Pool halls/billiard parlors								C	C	L						16.80.040 16.80.270
Private entertainment facilities							C	C	C		C					
Private residential recreation facilities	A	A	A	A												16.80.030 16.80.270
Recreational vehicle parks							A	A			A			L		

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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Religious facilities	A	A	A	A	P	P	P	P	P	P	P			L		16.80.080
Studios					P	P	P	P	P	L						

**RESIDENTIAL USES**

Caretaker and employee housing					P	P	P	P	P	P	P	L	L	L	L	
Dwelling group			P	P		P		P						L		
Duplexes		P	P	P				P						L		16.24.040
Mobile home parks		<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>			<u>AP</u>	<u>AP</u>								16.80.210
Multifamily dwellings			P	P	P	P	P	P						L		16.80.220
Organizational houses				A				A								
Residential care facilities																
Assisted living facilities	A		C	P	P	P	P	P						L		16.80.300
Care homes, 6 or fewer clients		P	P	P				P						P		
Family care homes, 7 or more clients	C			C				C						L		16.80.300

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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	I L	I G	P T	P F	O S	
Senior care facilities, 7 or more clients			A	A	A			A						L		16.80.300
Rooming and boarding houses				A				A						L		
Senior residential projects			P	P	P	P	P	P						L		16.80.220
Single-family dwellings	P	P	P	P				P						L		
Townhouses		A	P	P	P	P	P	P						L		
Triplexes			P	P				A						L		

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Agricultural chemical sales											A	L	P			16.36.080
Alcoholic beverage sales																
Bars and nightclubs—On-sale						C	C	C	C							16.80.270
Sale of alcohol—Off-sale						C	C	C	C				C	C		16.80.040
With another use—On-sale						L	L	L	L				L	L		
Artisan shops					P	P	P	P	P	L	P					

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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Auto and vehicle sales—New								L		P						16.24.120 16.80.070 16.80.330
Auto and vehicle sales—Used							L			A	L					16.24.120 16.80.070 16.80.330
Auto and vehicle leasing/rental							A	L		A	L					16.80.070
Auto parts sales						P	P	P	P	A						
Building material stores						A	P	L	P		P					16.80.330
Construction, farm & heavy equipment sales							A			A	P	P	P			16.80.330
Convenience stores						C	C	C	C							16.80.040 16.80.140 16.80.270
Furniture, furnishings, and appliance stores					C	P	P	P	P	P	P					16.80.330
Mobile home sales										A	P					16.80.330
Nurseries and garden supply stores	A				C	A	P	P	P	P	P					16.80.330
Outdoor retail sales and activities								A	A		A					16.80.260
Pet shops						P	P	P	P							

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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	C D	C L	C A	I L	I G	P T	P F	O S	
Recreational vehicle & boat sales—New/used								L		A	L					16.80.330
Restaurants					P	P	P	P	P	P			P			16.80.250
Retail stores				A	P	P	P	P	P	P	P		P			16.80.330
Secondhand stores/pawn shops							A	A	A							
Shopping centers																
Neighborhood							P	P								16.80.330
Community							P	P								16.80.330
Regional								P	P							16.80.330
Warehouse retail stores							C	C	C							16.80.330

**SERVICES**

Adult day care facilities					P	P	P	P	P				A	L		
Animal services																
Kennel and boarding facilities	A				A						A	A				
Pet grooming	A				A	P	P	P	P	L						
Training facilities	A				A		L	L		L	L	L				

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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Veterinary clinics and animal hospitals	A				A	C	P	P	P	P	P					16.80.370
Auto/vehicle services																
Car washes							A	A	A	P	A		P			
Fueling stations						A	L	L	L	P	L		P			16.80.320 16.80.340
Inoperable vehicle storage											L	L				
Maintenance/min or repair						A	P	P	P	P	P	P	P			16.80.320
Major repair/body work										P	P	P	P			16.80.340
Parking facilities		C	C	C	A	A	P	P	P	P	P		P	L		16.64.080
Vehicle storage								L		P	P	P	P	P	L	
Cannabis retailer storefront					C	C	C	C	C		C	C				16.80.195
Child care facilities																
Child care centers	C	C	C	C	P	P	P	P	P	P			P	P		16.80.100
Large family child care homes	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>	<u>A</u> <u>P</u>						<u>A</u> <u>P</u>		16.80.100
Small family child care homes	P	P	P	P	P	P	P	P						P		
Equipment rental								L	P	A	P		P			



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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Funeral facilities and services																
Cemeteries		C	C	C	C		C	C		C	C	C		C	C	
Mortuaries							C	C		C	A	A		A		
Funeral homes					A	A	A	A		A						
Health/fitness facilities						P	P	P	P	L						
Lodging facilities																
Bed and breakfast		C	C	C	P	P	P	P						A		16.80.090
Extended-stay facilities							P	P	P							
Single room occupancy facilities (SROs)							A	A								
Hotels and motels					P		P	P	P				P			
Massage establishment																16.80.190
State certified					P	P	P	P	P							
Non-certified						C	C	A	A							
Medical services																
Ambulance service					A		P	P	P	L	P		P	L		

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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Drug abuse, alcohol recovery/treatment facility					A		A	A						A		
Feeding centers								C			C	C		A		
Emergency shelters				C	C		C	C			P	P		P		16.80.155
Low Barrier Navigation Center					P	P	P	P								

**TRANSPORTATION AND COMMUNICATION USES**

Broadcasting studios						P	P	P	P	A	P	P	P	L		
Communications facilities																
Minor		E	E	E	P		P	P	P	P	P	P	P	P	P	Ch. 16.44
Major					A		A	A	A	A	A	P	P	A		Ch. 16.44
Transit stations and terminals							C				C	C	P	C		
Vehicle and freight terminals											P	P	P			

**OTHER USES**

Live-work space				P	P	P	P	P	P		P					
Major impact facilities												C	C	C		

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LAND USES	PERMIT REQUIREMENT BY ZONING DISTRICT															SPECIFIC USE STANDARDS
	R E	R L	R M	R H	C O	C N	C G	CD	C L	C A	I L	I G	P T	P F	O S	
Motion picture production								P			P	P	P			
Multi-use facilities					P	P	P	P	P		A	A	P			16.80.230
Public and semipublic utility facilities	A	A	A	A	A	A	P	P	P	L	P	P	P	L		
Public institutions	C	C	C	C	C	C	C	C	C		C	C	L	L		
Signs—Off-premises							E	E	E		E	E	E	E		16.76.110

**Key:** P = Use permitted  
 C = Commission use permit required  
 L = Land development permit required  
 E = Use not allowed, except under special circumstances  
 A = Administrative use permit required  
 Empty box = Use not allowed

## Notes:

See Section 16.20.020 for an explanation of the table and each land use permit requirement.

A use permit shall be required of any new commercial, industrial, institutional, or accessory use, or major addition that involves the manufacture, storage, handling, or processing of hazardous materials in compliance with Section 16.36.080 (Hazardous materials).

See Division 8 for definitions of the listed land uses.

Home occupations require a home occupation permit (Chapter 16.132).

- \* Cannabis laboratories are not allowed to vertically integrate. This use is a stand-alone cannabis business and cannot be combined with any other cannabis business type.

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### **SECTION V: AMENDMENT OF CODE**

Title 16, Chapter 16.24, Section 16.24.200 of the Stockton Municipal Code (SMC) is amended to read, as follows

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**16.24.200 Table 2-3 Zoning District Development Standards.**

**TABLE 2-3**  
**ZONING DISTRICT DEVELOPMENT STANDARDS**

Development Feature (See Division 8 for definition of each)	REQUIREMENT BY ZONING DISTRICT															
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	MX, UC
Minimum lot size	Minimum area and width for new parcels. For a minimum specific zoning district area size requirement, see Section 16.16.020 (Zoning districts established)															Per master development plan
Area	1 ac	5,000 sf		7,500 sf	7,500 sf	No minimum									5 acres	
Width	150 ft	50 ft			No minimum											
Density	Number of dwellings permitted in a residential subdivision or in a multifamily residential project on an acre (net) of land.															
Dwelling units per net acre (minimum - maximum)	<div> <div>4</div> <div>0—8.7</div> <div>8.8—17.4</div> <div>17.5—29</div> <div>0—29</div> <div>17.5—29</div> <div>0—29</div> <div>0—87</div> <div>Not applicable</div> <div>0—87</div> <div>Not applicable</div> </div> <div>For allowable densities see Table 2-3.B</div>															



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Development Feature (See Division 8 for definition of each)	REQUIREMENT BY ZONING DISTRICT																
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	MX, UC	
Maximum # of dwelling units per parcel	1	1	1 per 2,500 sf	1 per 1,500 sf	1 per 1,500 sf	1 per 1,500 sf	No minimum										
Setbacks	Minimum setbacks required. See Division 8 for definitions. See Section 16.36.110 for setback measurement, allowed projections into setbacks, and exceptions.																
Front	30 ft	20 ft	15 ft	15 ft	10 ft	None*	10 ft	None	10 ft				20 ft				
Side(s)	10 ft	5 ft			5 ft	None required, except when adjacent to a residential zone, structures shall be set back a distance of 10 feet or as required by Division 3 for specific land uses. In the CA zone, structures shall be set back from a residential zone equal to their height.							20 ft				
Sides, street	10 ft	10 ft			10 ft	None*	10 ft	None	10 ft				20 ft				
Rear	30 ft	10 ft			10 ft	None required, except when adjacent to a residential zone, structures shall be set back a distance of 10 feet or as required by Division 3 for specific land uses. In the CA zone, structures shall be set back from a residential zone equal to their height.							20 ft				
Site coverage	Maximum percentage of site area that may be covered by structures. See Division 8 for definitions. See Section 16.36.120 for exceptions.																
Maximum coverage	25%	50%			60%	100%	60%	100%	50%	60%			50%	1%			
Height limit	Maximum height for primary structures. See Section 16.36.090 for height measurement and exceptions.																

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Development Feature (See Division 8 for definition of each)	REQUIREMENT BY ZONING DISTRICT																
	RE	RL	RM	RH	CO	CN	CG	CD	CL	CA	IL	IG	PT	PF	OS	MX, UC	
Maximum height	35 ft	35 ft			45 ft	35 ft	45 ft	No limit	75 ft	45 ft	60 ft	No limit	75 ft	35 ft			
Landscaping	See Chapter 16.56 (Landscaping standards)																
Parking and loading	See Chapter 16.64 (Off-Street Parking and Loading Standards)																
Signs	See Chapter 16.76 (Sign Standards)																

\* If adjacent to residential zoning districts, the setback shall be none if the structure in the CN zoning district is at least 20 feet from the residential zoning district, otherwise the setback shall be 10 feet.

(Ord. 023-07 C.S. § 11; prior code Table 2-3)

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TABLE 2-3.B  
ZONING DISTRICT DENSITY AND FLOOR AREA RATIO

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<u>Zone</u>	<u>Density</u>	<u>Floor Area Ratio (FAR)</u>
<u>RE</u>	<u>Max. 1 dwelling unit per acre</u>	<u>NA</u>
<u>RL</u>	<u>8.7 dwelling units per net acre and 6.1 gross acre</u>	<u>NA</u>
<u>RM</u>	<u>Allowable density shall be 8.8 to 17.4 dwelling units per net acre and 6.2 to 13.1 dwelling units per gross acre.</u>	<u>The maximum Floor Area Ratio (FAR) for neighborhood-serving retail uses is 0.3.</u>
<u>RH</u>	<u>Outside the Greater Downtown area - 17.5 to 30 dwelling units per net acre and 13.2 to 24 dwelling units per gross acre.</u> <u>Inside the Greater Downtown area may-be 20 to 90 dwelling units per net acre and 16 to 72 dwelling units per gross acre.</u> <u>Inside the Downtown Core - up to 20 to 136 dwelling units per net acre and 16 to 108.8 dwelling units per gross acre.</u>	<u>Outside the Greater Downtown area - The maximum Floor Area Ratio (FAR) is 0.3.</u> <u>Inside the Greater Downtown area- The maximum Floor Area Ratio (FAR) is 3.0.</u> <u>Inside the Downtown Core - The maximum Floor Area Ratio (FAR) is 5.0.</u>
<u>CO, CN, CG, and CD</u>	<u>Outside the Greater Downtown area - 17.5 to 30 dwelling units per net acre and 13.2 to 24 dwelling units per gross acre.</u> <u>Inside the Greater Downtown area may-be 20 to 90 dwelling units per net acre and 16 to 72 dwelling units per gross acre.</u> <u>Inside the Downtown Core - up to 20 to 136 dwelling units per net acre and 16 to 108.8 dwelling units per gross acre.</u>	<u>Outside the Greater Downtown area - The maximum Floor Area Ratio (FAR) is 0.3.</u> <u>Inside the Greater Downtown area- The maximum Floor Area Ratio (FAR) is 3.0.</u> <u>Inside the Downtown Core - The maximum Floor Area Ratio (FAR) is 5.0.</u>
<u>PF</u>	<u>=</u>	<u>The maximum FAR is 0.2.</u>
<u>OS</u>	<u>=</u>	<u>The maximum FAR is 0.01.</u>
<u>UC</u>	<u>=</u>	<u>The maximum FAR is 0.5 Outside the Downtown and 5.0 inside the Greater Downtown area.</u>

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<u>CL, CA, IL, IG,</u> <u>PT, MX,</u> <u>Overlay</u>	=	=
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## Attachment B

### SECTION VI: AMENDMENT OF CODE

Title 16, Chapter 16.28, Section 16.28.060 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### 16.28.060 Magnolia historic (-MHD) overlay district.

A. **Purpose.** The Magnolia historic (-MHD) overlay district is intended to provide for the recognition, preservation, and use of culturally or architecturally significant structures in the Magnolia Historic district. Standards for development and new land uses within the -MH overlay district are intended to strengthen and preserve neighborhood character, community identity, and the historic character of the district.

B. **Applicability.** The -MHD overlay zoning district shall be combined with the CO zoning district or any residential zoning district established by Section 16.16.020 (Zoning districts established) within the boundaries of the Magnolia historic preservation district.

C. **Allowed Land Uses.** The uses of land that may be allowed within the -MHD overlay district shall be limited to those shown in Table 2-4.

1. **Retractions.** The following uses shall be allowed subject to the following restrictions:

**TABLE 2-4  
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS  
IN THE MAGNOLIA HISTORIC DISTRICT**

Land Uses	Permit Requirement	Specific Use Standards
<b>Residential Uses</b>		
Caretaker and employee housing	A	
Duplexes	C	
Family care homes, 6 or fewer clients	P	
Family care homes, 7 or more clients	C	
Multifamily dwellings	C	16.80.220
Senior residential projects	C	16.80.220
Single-family dwellings	P	
Townhouses	C	
Triplexes	C	



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**TABLE 2-4  
ALLOWABLE LAND USES AND PERMIT REQUIREMENTS  
IN THE MAGNOLIA HISTORIC DISTRICT**

Land Uses	Permit Requirement	Specific Use Standards
<b>Nonresidential Uses</b>		
Artisan shops	C	
Art galleries	C	
Auto/vehicle services—Parking facilities, public	C	
Banks and financial services	C	
Bed and breakfast inns	C	16.80.090
Broadcasting studios	C	
Child care facilities		
Child day care centers	C	16.80.100
Large family child care homes	A <u>P</u>	16.80.100
Small family child care homes	P	
Clubs, lodges, and private meeting halls	C	
Handcraft industries, small-scale manufacturing	C	
Libraries and museums	C	
Live-work space	L	
Multi-use facilities	C	16.80.230
Offices	C	16.80.240
Personal services, limited to:		
Beauty parlors and barber shops	C	
Dry cleaning pick-up stores	C	
Nail salons	C	
Shoe repair shops	C	

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**TABLE 2-4**  
**ALLOWABLE LAND USES AND PERMIT REQUIREMENTS**  
**IN THE MAGNOLIA HISTORIC DISTRICT**

Land Uses	Permit Requirement	Specific Use Standards
Tailors and seamstresses	C	
Travel agents	C	
Printing and publishing	C	
Public and semi-public utility facilities	C	
Religious places of worship	C	
Restaurants—Table service	C	16.80.250
Retail stores, limited to:		
Antiques	C	
Bakeries (retail only)	C	
Bicycle shops	C	
Boutique stores	C	
Bookstores	C	
Clothing and accessories	C	
Florists	C	
General store	C	
Gift shops	C	
Grocery and produce stores	C	
Jewelry	C	
Luggage and leather goods	C	
Musical instruments, parts, and accessories	C	
Specialty shops	C	
Stationery	C	
Studios	C	

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**Key:** P = Use permitted L = Land development permit required A = Administrative use permit required C = Commission use permit required  
Empty box = Use not allowed

1. **Restrictions.** The following uses shall be allowed, subject to the following restrictions:

- a. **Alcoholic Beverage Sales.** No alcohol shall be sold for use off the premises (off-sale). The sale of alcohol may be allowed for consumption on-site, subject to the approval of a Commission use permit (Chapter 16.168).
- b. **Offices.** All offices shall be limited in size to 5,000 square feet.
- c. **Restaurants.** All restaurants, coffee shops, coffee houses, or cafes shall be limited in size to 2,000 square feet, including outdoor dining and seating areas.
- d. **Retail Uses.** All allowed retail uses shall be limited in size to 1,500 square feet and shall be limited to the main floor or basement, if the main floor is raised.
- e. **Other Nonresidential Uses.** All other nonresidential uses shall be limited in size to 2,000 square feet, except bed and breakfast inns, child care facilities, live-work spaces, and multi-use facilities.

2. **Waiver.** The Commission may waive the above requirements, subject to a Commission use permit in compliance with Chapter 16.168 (Use Permit), if:

- a. **Existing Structure.** An existing structure would allow a larger operation than permitted in subsection (C)(1) of this section, without adversely impacting the Magnolia historic district and further the purpose of the Magnolia historic overlay district; and
- b. **New Structure.** A larger structure than allowed in subsection (C)(1) of this section, would:
  - i. Meet all requirements of this Development Code without applying the exceptions granted by this section (Magnolia historic overlay district),
  - ii. Be designed to be compatible with, and of the same scale as, the historic buildings on the block the structure is located and the block the structure is facing, and
  - iii. Provide a historic setting for the structure.

### D. **Permit Requirements.**

1. **Land Use Permits.** Development and new land uses within the -MHD overlay district shall obtain the land use permits required in Table 2-4.
2. **Home Occupations.** Home occupations in compliance with the requirements of Section 1680.160 (Home occupations) shall be allowed with a home occupation permit in compliance with Chapter 16.132 (Home Occupation Permits).
3. **Certificates of Appropriateness.** Any new construction or changes to the exterior of a structure or its grounds, as defined, shall require a certificate of appropriateness, in compliance with Section 16.220.060 (Certificates of

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appropriateness). All new construction and exterior alterations are required to conform to the historical design and character of the existing structure and/or the district.

E. **Development Standards.** Development and new land uses within the -MHD overlay district shall comply with the following development standards for primary structures:

**TABLE 2-5  
DEVELOPMENT STANDARDS IN THE  
MAGNOLIA HISTORIC DISTRICT**

Development Feature	Requirement in the –MH Overlay District
Minimum lot size	5,000 sq. ft.
Minimum lot area per dwelling unit	2,500 sq. ft.
Maximum density	29 dwelling units per net acre

Development Feature	Requirement in the –MH Overlay District
Setbacks	
Front	10 ft.
Side	5 ft.
Rear	10 ft.
Site coverage—Maximum allowed	75%
Height limit	45 ft.

F. **Accessory Structures.** All accessory structures shall be in compliance with Section 16.80.020 (Accessory uses and structures), except as follows:

1. **Location.** Accessory structures shall not be allowed in the front yard. Accessory structures may be located to the side or rear of the primary structure in compliance with Section 16.80.020 (Accessory uses and structures), except:
  - a. Accessory structures to single-family residences may be located up to the side or rear property line in compliance with the separation requirements of the latest editions of the California Building Code and the California Fire Code; and

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- b. Accessory structures in compliance with the separation requirements of the latest edition of the **California Building Code** may be separated from the primary structure by less than five (5) feet.
- 2. **Height.** The height of an accessory structure may exceed 15 feet if it is in keeping with the historic character of the district and the primary structure subject to an administrative use permit. A certificate of appropriateness shall be required before obtaining the administrative use permit to determine if the proposed accessory structure is in keeping with the historic character of the district and the primary structure.
- G. **Parking.** Parking requirements shall be in compliance with Chapter 16.64 (Off-street Parking and Loading Standards), except as follows:
  - 1. **Exception.** The following are exceptions to Chapter 16.64:
    - a. **Residential Uses.** One (1) enclosed or covered parking space per dwelling unit to be located, if feasible, in the rear yard.
    - b. **Nonresidential Uses.** One (1) space per 500 square feet of floor area, except live-work space in compliance with subsection (G)(1)(c) of this section, and child care facilities and bed and breakfasts in compliance with Table 3-9 (Parking Requirements by Land Use). The parking spaces shall be located behind the primary structure and screened from adjacent property and the street by a six (6) foot high wall.
    - c. **Live-Work Spaces.** One (1) enclosed or covered parking space per dwelling unit plus one (1) space per 500 square feet of the nonresidential floor area. The driveway may be considered in meeting the required number of nonresidential spaces.
    - d. **Off-Street Loading.** All off-street loading shall comply with Section 16.64.110 (Off-street loading space standards).
  - 2. **Waiver.** A waiver of the parking requirements may be granted by the Commission, subject to a Commission use permit (Chapter 16.168), if:
    - a. Existing physical constraints on the site limit the amount of parking that can be provided; and
    - b. The Commission can find that the granting of the waiver would further the purpose of the Magnolia historic overlay district.
- H. **Landscaping.** All yards adjacent to a public right-of-way shall be landscaped in compliance with Chapter 16.56 (Landscaping Standards).
- I. **Fences.** Fences, hedges, and walls may be provided in compliance with the requirements for residential zoning districts in Chapter 16.48 (Fences, Hedges, and Walls), except:
  - 1. Chain-link fencing and barbed wire/razor wire fencing as described in Section 16.48.100 shall not be permitted.
  - 2. Wrought iron fences within the front and streetside setback area may be allowed up to six (6) feet in height in compliance with Section 16.48.060(C) (Wrought iron fences).

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J. **Hours of Operation.** Unless otherwise specified in a use permit or temporary activity permit, all nonresidential activities shall cease by 10:00 p.m. A waiver may be granted by the Commission, subject to a Commission use permit, if:

1. Any live music will not be amplified; and
2. Noise levels will be no greater than 55 dBA at the property line. (Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. §§ 12—14; prior code § 16-240.060)

### SECTION VII: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.020 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### **16.40.020 Eligibility for bonus and incentives.**

A density bonus or other incentives may be provided under the following circumstances if the following requirements and all other applicable provisions of this Development Code and Government Code of the are met. See Density Bonus allowances permitted in Government Code section 65915. except as provided by Section 16.40.040 (Allowed incentives).

~~A. **Residents.** A housing development proposed to qualify for a density bonus shall be designed and constructed so that it includes at least one (1) of the following:~~

- ~~1. **Low Income Households.** 10 percent of the total number of proposed units are for lower income households, as defined in Health and Safety Code Section 50079.5;~~
- ~~2. **Very Low Income Households.** Five (5) percent of the total number of proposed units are for very low income households, as defined in Health and Safety Code Section 50105;~~
- ~~3. **Senior Citizen Housing/Mobilehome Park.** The project is a senior citizen housing development as defined in Civil Code Sections 51.3 and 51.12, or is a mobilehome park that limits residency based on age requirements for housing older persons in compliance with Civil Code Sections 798.76 or 799.5; or~~
- ~~4. **Common Interest Development.** 10 percent of the total dwelling units in a common interest development (i.e., condominiums) as defined in Civil Code Section 1351 are for persons and families of moderate income, as defined in Health and Safety Code Section 50093; provided, that all units in the development are offered to the public for purchase.~~

~~B. **Land Donation.** A density bonus for an entire development may be provided if an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with all of the following:~~

- ~~1. **Eligibility for Increased Bonus.** An applicant shall be eligible for the increased density bonus provided all the following conditions are met:~~
  - ~~a. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.~~

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~~b. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount that is at least 10 percent of the number of residential units in the proposed development.~~

~~c. The transferred land:~~

- ~~i. Is at least one (1) acre in size, or of sufficient size to permit development of at least 40 units;~~
- ~~ii. Has the appropriate General Plan designation;~~
- ~~iii. Is appropriately zoned for development as affordable housing; and~~
- ~~iv. Is served by adequate public facilities and infrastructure.~~

~~d. The land shall have appropriate zoning and development standards to make the development of the affordable units feasible.~~

~~e. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the City may subject the proposed development to subsequent design review to the extent authorized by Government Code Section 65583.2(l) if the design is not reviewed by the City before the time of transfer.~~

~~f. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with Section 16.40.050 (Continued availability), below, which shall be recorded on the property at the time of dedication.~~

~~g. The land is transferred to the City or to a housing developer approved by the City. The City may require the applicant to identify and transfer the land to the approved housing developer.~~

~~h. The transferred land shall be within the boundary of the proposed development or, if the City agrees, within one quarter mile of the boundary of the proposed development.~~

~~2. **Increased Bonus.** This increase shall be in addition to any increase in density required by subsection A (Residents) up to a maximum combined mandated density increase of 35 percent if an applicant seeks both the increase required for the donation of land, as well as the bonuses provided by subsection A (Residents).~~

~~3. **Condition of Development.** The granting of a density bonus shall not preclude the City from requiring a developer to donate land as a condition of development.~~

~~C. **Child Care Facility.** A density bonus may be granted for child care facilities as defined in Division 8. It may be granted for:~~

~~1. **Housing Developments.** A housing development that complies with the resident and project size requirements of subsection A (Residents) and also includes as part of that development a child care facility that will be located either on the site as part of the project or on a site adjacent to the development provided the project meets the following:~~

## Attachment B

~~a. — **Requirements.** In compliance with Government Code Section 65915(i), the City shall require, as a condition of approving the housing development, that:~~

~~i. — The child care facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable in compliance with Section 16.40.050 (Continued availability); and~~

~~ii. — Of the children who attend the child care facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income in compliance with subsection A (Residents).~~

~~b. — **Adequate Child Care Facilities.** The City shall not be required to provide a density bonus for a child care facility in compliance with this section if it finds, based upon substantial evidence, that the community already has adequate child care facilities.~~

~~2. — **Commercial and Industrial Developments.** A commercial or industrial development project, containing at least 50,000 square feet of floor area, if the developer of the project agrees to set aside at least 2,000 square feet of interior floor area and 3,000 outdoor square footage to be used for a child care facility, in compliance with Government Code Section 65917.5 (Commercial density bonus). The requirements to qualify for the additional density bonus shall include all of the following:~~

~~a. — For purposes of calculating the allowable density bonus, both the total area contained within the exterior walls of the child care facility and all outdoor areas devoted to the use of the facility in compliance with applicable State child care licensing requirements shall be considered.~~

~~b. — The child care facility shall be of a sufficient size to comply with all applicable State licensing requirements in order to accommodate at least 40 children.~~

~~c. — This facility may be located either on the project site or may be located off-site as agreed upon by the developer and the City.~~

~~d. — If the child care facility is not located on the site of the development project, the City shall determine whether the location of the child care facility is appropriate and whether it complies with the purpose and intent of this section.~~

~~e. — The granting of a density bonus shall not preclude the City from imposing necessary conditions on the development project or on the additional square footage in compliance with Government Code Section 65917.5 (Commercial density bonus). (Ord. 015-09 C.S., eff. 12-3-09)~~

## SECTION VIII: AMENDMENT OF CODE



## Attachment B

Title 16, Chapter 16.40, Section 16.40.030 of the Stockton Municipal Code (SMC) is amended to read, as follows

### 16.40.030 Types of bonuses allowed.

#### Rescinded.

~~The amount of a density bonus allowed in a housing development shall be determined by the review authority as follows:~~

~~A. — **Density Bonus.** A housing development that complies with the eligibility requirements in Section 16.40.020 (Eligibility for bonus or incentives) shall be entitled to density bonuses as follows, unless a lesser percentage is proposed by the applicant.~~

~~1. — **Lower Income Households.** A housing development that is eligible for a bonus in compliance with the criteria in Section 16.40.020(A)(1) (10 percent of units for lower income households) shall be entitled to a density bonus calculated as follows:~~

~~-~~

<b>Percentage of Lower Income Units Proposed</b>	<b>Percentage of Density Bonus</b>
10	20
11	21.5
12	23
13	24.5
14	26
15	27.5
17	30.5
18	32
19	33.5
20	35

~~-~~

~~2. — **Very Low Income Households.** A housing development that is eligible for a bonus in compliance with the criteria in Section 16.40.020(A)(2) (Five (5) percent of units for very low income households) shall be entitled to a density bonus calculated as follows:~~

~~-~~

<b>Percentage of Very Low Income Units Proposed</b>	<b>Percentage of Density Bonus</b>
5	20
6	22.5
7	25
8	27.5
9	30

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10	32.5
11	35

-

~~3. **Senior Citizen Housing/Mobilehome Park.** A housing development that is eligible for a bonus in compliance with the criteria in Section 16.40.020(A)(3) (Senior citizen development or mobilehome park) shall be entitled to a density bonus of 20 percent.~~

~~4. **Moderate Income Units in Common Interest Development.**~~

~~a. **Common Interest Development.** A housing development that is eligible for a bonus in compliance with the criteria in Section 16.40.020(A)(4) (10 percent of units in a common interest development for persons and families of moderate income) shall be entitled to a density bonus calculated as follows:~~

-

<del>Percentage of Moderate Income Units Proposed</del>	<del>Percentage of Density Bonus</del>
<del>10</del>	<del>5</del>
<del>11</del>	<del>6</del>
<del>12</del>	<del>7</del>
<del>13</del>	<del>8</del>
<del>14</del>	<del>9</del>
<del>15</del>	<del>10</del>
<del>16</del>	<del>11</del>
<del>17</del>	<del>12</del>
<del>18</del>	<del>13</del>
<del>19</del>	<del>14</del>
<del>20</del>	<del>15</del>
<del>21</del>	<del>16</del>
<del>22</del>	<del>17</del>
<del>23</del>	<del>18</del>
<del>24</del>	<del>19</del>
<del>25</del>	<del>20</del>
<del>26</del>	<del>21</del>
<del>27</del>	<del>22</del>
<del>28</del>	<del>23</del>
<del>29</del>	<del>24</del>
<del>30</del>	<del>25</del>

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<del>Percentage of Moderate Income Units Proposed</del>	<del>Percentage of Density Bonus</del>
<del>31</del>	<del>26</del>
<del>32</del>	<del>27</del>
<del>33</del>	<del>28</del>
<del>34</del>	<del>29</del>
<del>35</del>	<del>30</del>
<del>36</del>	<del>31</del>
<del>37</del>	<del>32</del>
<del>38</del>	<del>33</del>
<del>39</del>	<del>34</del>
<del>40</del>	<del>35</del>

-

~~b. — **Condominium Conversion Projects.** A condominium conversion project for which a density bonus is requested shall comply with the eligibility and other requirements in Government Code Section 65915.5 (Condo conversion incentives for low income housing development) and the requirements of Chapter 16.196 (Condominiums and Condominium Conversions).~~

~~5. — **Land Donation.** When an applicant for a tentative map, parcel map, or other residential development approval donates land to the City in compliance with Section 16.40.020(B) (Land donation), the applicant shall be entitled to a 15 percent increase above the otherwise maximum allowable residential density under the applicable General Plan land use element designation and zoning for the entire development, and an additional increase as follows:~~

-

<del>Percentage of Very Low Income Units Proposed</del>	<del>Percentage of Density Bonus</del>
<del>10</del>	<del>15</del>
<del>11</del>	<del>16</del>
<del>12</del>	<del>17</del>
<del>13</del>	<del>18</del>
<del>14</del>	<del>19</del>
<del>15</del>	<del>20</del>
<del>16</del>	<del>21</del>
<del>17</del>	<del>22</del>
<del>18</del>	<del>23</del>
<del>19</del>	<del>24</del>
<del>20</del>	<del>25</del>

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<del>Percentage of Very Low Income Units Proposed</del>	<del>Percentage of Density Bonus</del>
<del>21</del>	<del>26</del>
<del>22</del>	<del>27</del>
<del>23</del>	<del>28</del>
<del>24</del>	<del>29</del>
<del>25</del>	<del>30</del>
<del>26</del>	<del>31</del>
<del>27</del>	<del>32</del>
<del>28</del>	<del>33</del>
<del>29</del>	<del>34</del>
<del>30</del>	<del>35</del>

~~B. — **Applicant Selection of Basis for Bonus.** For purposes of calculating the amount of the density bonus for compliance with subsection A (Density bonus), the applicant who requests a density bonus shall elect whether the bonus shall be awarded on the basis of Section 16.40.020(A)(1), (2), (3), or (4) (Residents).~~

~~C. — **Bonus Units Shall Not Qualify a Project.** A density bonus granted in compliance with subsection A (Density bonus) shall not be included when determining the number of housing units that is equal to the percentages required by Section 16.40.020(A).~~

~~D. — **Greater or Lesser Bonuses.** The City may choose to grant a density bonus greater than provided by this section for a development that meets the requirements of Section 16.40.020 (Eligibility for bonus or incentives) or grant a proportionately lower density bonus than required by Section 16.40.020 (Eligibility for bonus or incentives) for a development that does not meet the requirements of this section.~~

~~E. — **Density Bonus Calculations.**~~

~~1. — The calculation of a density bonus that results in fractional units shall be rounded up to the next whole number, as required by Government Code Section 65915.~~

~~2. — For the purpose of calculating a density bonus, the residential units do not have to be based upon individual subdivision maps or parcels.~~

~~F. — **Location of Bonus Units.** The density bonus shall be permitted in geographic areas of the housing development other than the areas where the units for the lower income households are located.~~

~~G. — **Other Affordable Housing Subsidies.** Approval of a density bonus does not, in and of itself, preclude projects from receipt of other government subsidies for affordable housing.~~

~~H. — **Requirements for Amendments or Discretionary Approval.** The granting of a density bonus in compliance with Section 16.40.020 (Eligibility for bonus or incentives)~~

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~~shall not be interpreted, in and of itself, to require a General Plan amendment, rezoning, or other discretionary approval. (Ord. 015-09 C.S., eff. 12-3-09)~~

### SECTION IX: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.040 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### 16.40.040 Allowed incentives.

##### Rescinded.

##### ~~A. Applicant Request and City Approval.~~

~~1. An applicant for a density bonus may submit to the City a proposal for the specific incentives listed in subsection C (Type of incentives) that the applicant requests and may request a meeting with the Director. The applicant may file the request either before an application for City approval of the proposed project, or concurrently with the application for project approval. The review authority shall grant an incentive request that complies with this section unless the review authority makes either of the following findings in writing, based upon substantial evidence:~~

~~a. The incentive is not required to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Section 16.40.050(B) (Unit cost requirements); or~~

~~b. The incentive would have a specific adverse impact, as defined in Government Code Section 65589.5(d)(2), upon public health and safety or the physical environment, or on any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low and moderate income households.~~

~~2. The applicant shall show that a waiver or modification of development standards is necessary to make the housing units economically feasible.~~

~~B. Number of Incentives for Residential Projects. The applicant for residential projects in compliance with Section 16.40.020(A) (Residents) shall receive the following number of incentives.~~

~~1. One (1) Incentive. One (1) incentive for a project that includes:~~

~~a. At least 10 percent of the total units for lower income households;~~

~~b. At least five (5) percent for very low income households; or~~

~~c. At least 10 percent for persons and families of moderate income in a common interest development.~~

~~2. Two (2) Incentives. Two (2) incentives for a project that includes:~~

~~a. At least 20 percent of the total units for lower income households;~~

~~b. At least 10 percent for very low income households; or~~

~~c. At least 20 percent for persons and families of moderate income in a common interest development.~~

## Attachment B

3. ~~**Three (3) Incentives.** Three (3) incentives for a project that includes:~~
- a. ~~At least 30 percent of the total units for lower income households;~~
  - b. ~~At least 15 percent for very low income households; or~~
  - c. ~~At least 30 percent for persons and families of moderate income in a common interest development.~~

C. ~~**Type of Incentive.** An incentive may include the following:~~

1. ~~**Residential.** A housing development that complies with Section 16.40.020(A) (Residents) and subsections (B)(2) (Two (2) incentives) and (B)(3) (Three (3) incentives) shall be eligible to receive one (1) or two (2) of the following additional incentives:~~
- a. ~~A reduction in the site development standards of this Development Code (e.g., site coverage limitations, setbacks, reduced parcel sizes, and/or parking requirements; see also subsection (C)(3) (Parking)), or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission in compliance with Health and Safety Code Section 18901 et seq., that would otherwise be required, that results in identifiable, financially sufficient, and actual cost reductions;~~
  - b. ~~Approval of multiuse project not otherwise allowed by this Development Code in conjunction with the housing development, if:~~
    - i. ~~Nonresidential land uses will reduce the cost of the housing development, and~~
    - ii. ~~The nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the project will be located;~~
  - c. ~~Other regulatory incentives proposed by the applicant or the City that will result in identifiable, financially sufficient, and actual cost reductions; and/or~~
  - d. ~~A direct financial contribution granted by the City, in its sole and absolute discretion, including writing down land costs, subsidizing the cost of construction, or participating in the cost of infrastructure.~~
2. ~~**Child Care.** Projects providing child care facilities in compliance with Section 16.40.020(C) (Child care facilities) shall be subject to the following:~~
- a. ~~**Housing Developments.** A housing development that complies with the resident and project size requirements of Section 16.40.020(A) (Residents) and the requirements for child care facilities of Section 16.40.020(C)(1) (Housing development) shall receive the following additional incentives. The City shall grant a housing development that includes a child care facility in compliance with Section 16.40.020(C) either of the following:~~
    - i. ~~An additional density bonus that is an amount of floor area in square feet of residential space that is equal to or greater than the floor area of the child care facility; or~~
    - ii. ~~An additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility.~~

## Attachment B

~~b. **Commercial and Industrial Developments.** A developer of a commercial or industrial development project that complies with the requirements of Section 16.40.020(C)(2) (Child care facility) shall receive one (1) of the following:~~

- ~~i. A maximum of five (5) square feet of floor area for each one (1) square foot of floor area contained in the child care facility located in an existing child care facility; or~~
- ~~ii. A maximum of 10 square feet of floor area for each one (1) square foot of floor area contained in the child care facility located in a new child care facility.~~

~~3. **Parking.** An applicant for a development that meets the requirements of Section 16.40.020 (Eligibility for incentives) may request additional parking incentives beyond those provided in subsections B (Number of incentives), (C)(1) and (C)(2) (Types of incentives).~~

~~a. **Number of Parking Spaces Required.**~~

- ~~i. At the request of the applicant, the City shall authorize the following vehicular parking ratios, inclusive of handicapped and guest parking:
  - ~~(A) **Zero to One (1) Bedrooms.** One (1) on-site parking space.~~
  - ~~(B) **Two (2) to Three (3) Bedrooms.** Two (2) on-site parking spaces.~~
  - ~~(C) **Four (4) and More Bedrooms.** Two and one half (2.5) on-site parking spaces.~~~~
- ~~ii. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.~~

~~b. **Location of Parking.** For purposes of this section, a development may provide on-site parking through tandem parking or uncovered parking, but not through on-street parking.~~

~~D. **Effect of Incentive.** The granting of an incentive in compliance with this section shall not be interpreted, in and of itself, to require a General Plan amendment, Zoning Map amendment, or other discretionary approval. (Ord. 015-09 C.S., eff. 12-3-09)~~

## SECTION X: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.050 of the Stockton Municipal Code (SMC) is amended to read, as follows

### 16.40.050 Continued availability.

#### Rescinded.

~~The units that qualified the housing development for a density bonus and other incentives shall continue to be available as affordable units in compliance with the following requirements, as required by Government Code Section 65915(c). See also Section 16.40.090 (Control of resale).~~

## Attachment B

~~A. — **Duration of Affordability.** The applicant shall agree to, and the City shall ensure, the continued availability of the units that qualified the housing development for a density bonus and other incentives, as follows:~~

- ~~1. — **Low and Very Low Income Units.** The continued affordability of all low and very low income qualifying units shall be maintained for a minimum of 30 years, or a longer time if required by the construction or mortgage financing assistance program, mortgage insurance program, rental subsidy program, or by City policy or ordinance.~~
- ~~2. — **Moderate Income Units in Common Interest Development.** The continued availability of moderate income units in a common interest development shall be maintained for a minimum of 10 years, or a longer time if required by City policy or ordinance.~~

~~B. — **Unit Cost Requirements.** The rents and owner-occupied costs charged for the housing units in the development that qualify the project for a density bonus and other incentives, shall not exceed the following amounts during the period of continued availability required by this section:~~

- ~~1. — **Rental Units.** Rents for the lower income density bonus units shall be set at an affordable rent as defined in Health and Safety Code Section 50053.~~
- ~~2. — **Owner-Occupied Units.** Owner-occupied units shall be available at an affordable housing cost as defined in Health and Safety Code Section 50052.5.~~

~~C. — **Occupancy and Resale of Moderate Income Common Interest Development Units.** An applicant shall agree to, and the City shall ensure that the initial occupants of moderate income units that are directly related to the receipt of the density bonus in a common interest development as defined in Civil Code Section 1351, are persons and families of moderate income, as defined in Health and Safety Code Section 50093, and that the units are offered at an affordable housing cost, as defined in Health and Safety Code Section 50052.5. The City shall enforce an equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. The following requirements apply to the equity sharing agreement.~~

- ~~1. — Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation.~~
- ~~2. — The City shall recapture any initial subsidy and its proportionate share of appreciation, which shall then be used within three years for any of the purposes described in Health and Safety Code Section 33334.2(e) that promote home ownership.~~
  - ~~a. — The City's initial subsidy shall be equal to the fair market value of the home at the time of initial sale, minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value; and~~
  - ~~b. — The City's proportionate share of appreciation shall be equal to the ratio of the initial subsidy to the fair market value of the home at the time of initial sale.~~

(Ord. 015-09 C.S., eff. 12-3-09)



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### SECTION XI: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.060 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### 16.40.060 Location and type of bonus units.

Rescinded.

~~A. — **On-Site.** Target units should be built on-site wherever possible and, when practical, be dispersed within the housing development. The location of density bonus units within the qualifying project shall be at the discretion of the City with the goal to integrate the units into the overall project. However, the inclusionary units shall:~~

- ~~1. — Be reasonably dispersed throughout the development where feasible;~~
- ~~2. — Contain on average the same number of bedrooms as the noninclusionary units; and~~
- ~~3. — Be compatible with the design or use of the remaining units in terms of appearance, materials, and finish quality.~~

~~B. — **Phasing.** If a project is to be phased, the density bonus units shall be phased in the same proportion as the nondensity bonus units, or phased in another sequence acceptable to the City. (Ord. 015-09 C.S., eff. 12-3-09)~~

### SECTION XII: AMENDMENT OF CODE

Title 16, Chapter 16.40, Section 16.40.070 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### 16.40.070 Processing of bonus requests.

Rescinded.

~~An application for a density bonus shall be processed concurrently with any other application(s) required for the housing development.~~

~~A. — **Filing.** The application for a density bonus shall be filed in compliance with Chapter 16.84 (Application Filing, Processing, and Fees) and the requirements of Sections 16.40.020 (Eligibility for bonus and incentives) and 16.40.080 (Density bonus housing agreement). An application, whether a preapplication or a formal application, shall include the following information:~~

- ~~1. — A brief description of the proposed housing development, including the total number of units, target units, and density bonus units proposed;~~
- ~~2. — The zoning and General Plan designations and assessor's parcel number(s) of the project site;~~
- ~~3. — A vicinity map and preliminary site plan, drawn to scale, including structure footprint(s), driveway(s), and parking layout; and~~

## Attachment B

~~4. If an additional incentive(s) is requested, a description of why the additional incentive(s) is necessary to provide the target units in compliance with Section 16.40.030 (Types of bonuses and incentives allowed).~~

~~B. **Criteria to be Considered.** Criteria to be considered in analyzing the requested bonus shall include the availability and capacity of infrastructure (road, sewer and water capacity, school capacity, etc.) to accommodate the additional residential density.~~

~~C. **Funding.** The Council and/or the Redevelopment Agency shall be responsible for approving any funding associated with a density bonus application.~~

~~D. **Initial Review of Bonus Request.** Within 90 days of the filing of the discretionary permit application, the Director shall provide the owner/developer a letter that:~~

~~1. Identifies issues of concern with the project, what the Director can support when making a recommendation to the Commission, and the procedures for compliance with this chapter; and~~

~~2. Informs as to whether the requested additional incentive shall be recommended for consideration with the proposed housing development, or that alternative or modified additional incentives in compliance with Section 16.40.030 (Types of bonuses and incentives allowed) shall be recommended for consideration in lieu of the requested incentives. If alternative or modified incentives are recommended by the Director, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.~~

~~E. **Notice and Hearings.** Notices and the public hearing shall be in conjunction with the other application(s) for the housing development and in compliance with Chapter 16.88 (Review Procedures) for actions in which the Commission is the Review Authority.~~

~~F. **Findings for Approval.** In addition to the findings required for the approval of a discretionary permit, the approval of the bonus by the Council shall also require the following additional findings:~~

~~1. The development project would not be a hazard or nuisance to the City at large or establish a use or development inconsistent with the goals and policies of the General Plan;~~

~~2. The number of dwellings can be accommodated by existing and planned infrastructure capacities;~~

~~3. Adequate evidence exists to ensure that the development of the property would result in the provision of affordable housing in a manner consistent with the purpose and intent of this chapter;~~

~~4. In the event that the City does not grant at least one (1) financial concession or incentive as defined in State law (Government Code Section 65915) in addition to the density bonus, that additional concessions or incentives are not necessary to ensure affordable housing costs; and~~

~~5. There are sufficient provisions to guarantee that the dwelling units would remain affordable in the future. (Ord. 015-09 C.S., eff. 12-3-09)~~

## Attachment B

### SECTION XIII: AMENDMENT OF CODE

Title 16, Chapter 16.48, Section 16.48.030 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### **16.48.030 General setback limitations.**

See section 16.48.040

~~The setback requirements for fences, hedges, and walls shall be:~~

~~A. Residential. For residential projects:~~

~~1. Front. Same as zoning district in which it is located in compliance with Table 2-3 (Zoning District Development Standards).~~

~~2. Street Side. Five (5) feet.~~

~~3. Side and Rear. The property line.~~

~~B. Nonresidential. For nonresidential projects:~~

~~1. Front. Same as zoning district in which it is located in compliance with Table 2-3 (Zoning District Development Standards).~~

~~2. Street Side. Five (5) feet, except where adjacent to a residential zoning district the fence shall be 10 feet.~~

~~3. Side and Rear. The property line. (Ord. 023-07 C.S. § 29; prior code § 16-325.025)~~

### SECTION XIV: AMENDMENT OF CODE

Title 16, Chapter 16.48, Section 16.48.050 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### **16.48.050 Exceptions to height and setback limitations.**

The Review Authority may adjust the setback and height requirements for fences, hedges, and walls in compliance with Chapter 16.176 (Waiver) under the following conditions:

- A. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography) so that the strict or literal interpretation and enforcement of this Development Code would cause undue hardship;
- B. The subject site would be physically suitable for the proposed waiver;
- C. The proposed fence, hedge, or wall would not cause the view of the adjacent neighbors to be substantially blocked;
- D. The location of the proposed fence, hedge, or wall does not encroach into the traffic sight area in compliance with Section 16.36.140 (Traffic sight area);
- E. The proposed fence, hedge, or wall recognizes the particular characteristics of the site and is consistent with the surrounding built environment, including the existing use of fences, hedges, and walls in the neighborhood; and

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F. The proposed fence, hedge, or wall complements the architectural style, character, and proportions of the main building and neighborhood and is composed of appropriate materials. (Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. § 31; prior code § 16-325.035)

### SECTION XV: AMENDMENT OF CODE

Title 16, Chapter 16.60, Section 16.60.020 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### **16.60.020 Activities exempt from noise regulations.**

The following activities shall be exempt from the provisions of this chapter:

A. **Emergency Exemption.** The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work. ~~Does not include permanently installed emergency generators.~~

B. **Warning Device.** Warning devices necessary for the protection of public safety, (e.g., police, fire and ambulance sirens, properly operating home and car burglar alarms, and train horns).

C. **Outdoor Play/School Ground Activities.** Activities conducted on parks and playgrounds and school grounds, between 7:00 a.m. and 10:00 p.m., except for additional hours that may be granted by the City Manager. Otherwise, outdoor activities shall meet standards in Table 3-7.

D. **Railroad Activities.** The operation of locomotives, rail cars, and facilities by a railroad that is regulated by the State Public Utilities Commission.

E. **State or Federal Pre-Exempted Activities.** Any activity, to the extent the regulation of it has been preempted by State or Federal law.

F. **Public Health and Safety Activities.** All transportation, flood control, and utility company maintenance and construction operations at any time on public rights-of-way, and those situations that may occur on private property deemed necessary to serve the best interest of the public and to protect the public's health and well being, including, debris and limb removal, removal of damaged poles and vehicles, removal of downed wires, repairing traffic signals, repair of water hydrants and mains, gas lines, oil lines, and sewers, restoring electrical service, street sweeping, unplugging sewers, vacuuming catch basins, etc. The regular testing of motorized equipment and pumps shall not be exempt.

G. **Maintenance of Residential Real Property.** Noise sources associated with the minor maintenance of residential real property, provided the activities take place between the hours of 7:00 a.m. and 10:00 p.m. (Prior code § 16-340.020)

H. **Stationary Emergency Generators.** Sound resulting from the operation of any stationary emergency generator in any zoning district shall be considered restoration of electrical service and are exempt from the sound rating values set forth in SMC Sec. 16.60.040, Table 3-7 (Maximum Allowable Noise Exposure for Noise-Sensitive Land Uses) but subject to the standards in this section. This exemption only applies when generators are operated during an emergency situation as defined herein.

a. **Definitions.**

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- i. Stationary emergency generator is defined as any stationary or nonportable internal combustion engine located in any zoning district that serves solely as a secondary source of mechanical or electrical power when the primary source is disrupted or discontinued during a period of emergency due to a situation beyond the control of the owner. A stationary emergency generator that serves as an energy or power source in circumstances other than emergency situations or for standard testing, such as load shedding or peak shaving, shall not be considered a stationary emergency generator.
- ii. Emergency situation is defined as loss of primary power due to power outage, on site disaster, area-wide natural disaster, or circumstances beyond the control of the owner/operator. An emergency situation shall not include power interruptions pursuant to an interruptible power service agreement, engine testing or scheduled maintenance.
- b. **Standards.**
  - i. A stationary emergency generator shall be located in conformance with Table 3-13.
  - ii. A stationary emergency generator shall operate only during emergency situations or for standard performance testing procedures as required by law or by the engine manufacturer.
  - iii. All stationary emergency generators shall be enclosed in a sound absorbing encasement and in no event shall the sound rating value of generators in any district exceed 76 Lmax dBA at 23 feet.
  - iv. Stationary emergency generators may be operated for testing purposes one time for a period not to exceed thirty minutes in any seven-day period. Testing of stationary emergency generators is permitted between the hours of 7:00 a.m. through 10:00 p.m. Monday through Saturday.

### SECTION XVI: AMENDMENT OF CODE

Title 16, Chapter 16.64, Section 16.64.030 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### **16.64.030 General parking regulations.**

- A. **Parking and Loading Spaces to be Permanent.** Required parking and loading spaces shall be permanently available; off-site parking shall require a permanent covenant in compliance with Section **16.64.080(B)(4)** (Location). The spaces shall be marked (except for single-family dwellings, duplexes, and triplexes) and maintained for parking or loading purposes for the use they are intended to serve. The Director may approve the temporary reduction of parking or loading spaces in conjunction with a seasonal or intermittent use for a period of not more than 30 days. Longer periods may be allowed with the approval of a temporary activity permit (Chapter **16.164**).
- B. **Parking and Loading to be Unrestricted.** During business hours, parking and loading facilities required by this chapter shall be available to the general public without charge, except for colleges and universities. Required parking for residential uses shall be continuously available without charge to the residents and their guests. A fee for parking may only be charged for spaces that exceed the requirements of this chapter.
- C. **Maintenance.** Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaping areas shall be kept free of dust, graffiti, and litter and shall be maintained to prevent the tracking of dirt, mud and/or gravel into the right-of-way. Striping, paving,

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walls, light standards, and all other facilities shall be permanently maintained and meet the requirements of Section 8.36.010 of the Municipal Code.

D. **Surfacing.** Parking spaces, driveways, maneuvering aisles and turnaround areas shall be paved with a permanent surface, consisting of concrete, asphalt or other similar material authorized by the City's Standard Specifications. Compacted soil and/or gravel shall not be considered an acceptable surface.

E. **Vehicles for Sale.** Vehicles, trailers, or other personal property shall not be parked upon a private street, parking lot, or private property for the primary purpose of displaying the vehicle, trailer, or other personal property for sale, hire, or rental, unless the property is appropriately zoned, and the vendor is licensed to transact a vehicle sales business at that location. Vehicles shall not be parked on public streets for the purpose of sale, hire, or rental, except for buses and taxis in compliance with Title 10 of the Municipal Code.

F. **Fire Lanes.** Parking is prohibited in marked fire lanes designated by the Fire Marshal in compliance with Section 10.04.1090 of the Municipal Code.

G. **Official Parking Areas.** The City Manager may designate official parking areas that are not available for public use in compliance with Section 10.04.1050 of the Municipal Code.

H. **Commercial Parking Lots.** Tractor-trailers, either with or without a trailer, shall be prohibited from parking overnight on residentially used property, and shall not be parked on commercially used property for more than 72 hours.

I. **Electric Vehicles.** Electric vehicle charging stations are permitted in all required and non-required off-street parking spaces. ~~As an incentive for the provision of electric vehicle charging stations, a reduction in required parking is permitted up to two required parking spaces for each electric vehicle charging space provided. A parking space served by electric vehicle supply equipment or a parking space designated as a future electric vehicle charging space shall count as at least two standard automobile parking spaces for the purpose of complying with Chapter 16.64, up to a maximum reduction of 10 percent of the total required parking. An accessible parking space with an access aisle served by electric vehicle supply equipment or an accessible parking space with an aisle designated as a future electric vehicle charging space shall count as at least two standard automobile parking spaces for the purpose of complying with Chapter 16.64.~~

(Ord. 2016-09-27-1601 § II; Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 7, 9; Ord. 023-07 C.S. § 43; prior code § 6-345.030)

## SECTION XVII: AMENDMENT OF CODE

Title 16, Chapter 16.64, Section 16.64.070 of the Stockton Municipal Code (SMC) is amended to read, as follows

### 16.64.070 Disabled/handicapped parking requirements.

#### Rescinded

~~Parking areas shall include parking spaces accessible to the disabled as follows:~~

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~~A. **Number of Spaces, Design Standards.** Parking spaces for the disabled shall be provided in compliance with the following table and with the applicable section of the Uniform Building Code, and shall be considered in meeting parking requirements, subject to review by the Building Division.~~

**TABLE 3-10  
DISABLED/HANDICAPPED PARKING  
SPACE REQUIREMENTS**

<b>Total Number of Parking Spaces Provided</b>	<b>Number of Handicapped Parking Spaces Required</b>
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
410—500	9
501—1,000	2% of total
Over 1,000	20 plus 1 for each 100, or fraction thereof over 1,001

~~B. **Reservation of Spaces Required.** Disabled access spaces required by this section shall be reserved by the property owner/tenant for use by the disabled throughout the life of the approved land use.~~

~~C. **Upgrading of Markings Required.** If amendments to State law change standards for the marking, striping, and signing of disabled parking spaces, disabled accessible spaces shall be upgraded in compliance with the new State standards.~~

~~D. **Fulfilling of Requirements.**~~

- ~~1. Disabled accessible parking spaces required by this section shall count toward fulfilling off-street parking requirements.~~
- ~~2. Placement of disabled access spaces shall be approved by the Building Division as part of the building permit process.~~
- ~~3. In the case of tenant improvements, the number of required parking spaces may be reduced for the purpose of meeting the requirements for disabled accessible parking spaces. (Prior code § 16-345.070)~~

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### SECTION XVIII: AMENDMENT OF CODE

Title 16, Chapter 16.76, Section 16.76.040 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### **16.76.040 Sign permits.**

A. **Sign Permits Required.** To ensure compliance with the regulations of this chapter, a sign permit from the Building Division shall be required in order to erect, move, alter, or reconstruct any permanent or temporary sign, either on- or off-premises, except signs listed in subsection D of this section (Exemptions from sign permits), that are exempt from sign permits.

B. **Approval of Sign Permits.** A sign permit application shall be filed with the Department for review and sign-off by the Director based on consideration of size, height, and location, and other elements in compliance with the sign standards for specific types of on-premises signs (Section 16.76.100) and off-premises signs (Section 16.76.110) and the intent and provisions of this chapter. Specific types of signs may require a site plan review, land development permit, or use permit.

C. **Revocation of Sign Permits.** The Director may revoke or modify a sign permit, in compliance with Chapter 16.108 (Revocations and Modifications) if it is found that the sign(s) has been erected, altered, reconstructed, or is being maintained in a manner that is inconsistent with the approved sign permit.

D. **Exemptions from Sign Permits.** Sign permits shall not be required for the following allowed signs provided the sign does not require electrical work. Exempt signs shall not be included in the determination of the total allowable number of signs or total allowable sign area for a site/use.

1. **Permanent Signs Without Specific Size Limitation.** The following signs are exempt from sign permit review subject to the following limitations:

- a. Official and legal notices required by a court or governmental agency.
- b. A sign erected and maintained in compliance with, and in discharge of, a governmental function or required by a law, ordinance, or governmental regulation, including signs erected by a public utility.
- c. Signs on licensed commercial vehicles, including trailers, provided that the vehicles or trailers shall not be used as parked or stationary outdoor display signs.
- d. Bench and other signs located at designated public transit locations as authorized by Council franchise or revocable permit.
- e. Changes to existing sign copy.
- f. Memorial signs installed by, or with the approval of, a governmental agency, including signs and markers for historic landmarks or districts or points of interest.
- g. Artist renderings or paintings on fences or structures or sculpture or other art work shall only be allowed on private property with the permission of the



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owner of the property and on public property with the permission of the appropriate governmental body.

h. Flags of the United States, California, San Joaquin County, the City of Stockton, or other governmental entities.

2. **Permanent Signs Limited by Maximum Size.** The following signs are exempt from sign permit review subject to the following limitations:

a. Nameplates not exceeding three (3) square feet in area per one-family unit, duplex, triplex, and townhouse. Nameplates shall have Arabic numbers a minimum of four (4) inches in height and of a contrasting color to the background to which they are attached; illumination shall not exceed 25 watts.

b. Nameplates, limited to unit number, not exceeding one (1) square foot in area per multifamily unit. Nameplates shall have Arabic numbers a minimum of four (4) inches in height if illuminated or six (6) inches in height if nonilluminated. Numbers shall be of a contrasting color to the background to which they are attached.

c. One (1) sign per entrance shall be allowed for nonresidential uses not exceeding six (6) square feet and limited to the hours of operation, address, and emergency information for the business.

d. Interior window signs that do not exceed five (5) square feet (includes flashing and/or moving displays/signs in compliance with Section 16.76.100(D)(1) (Electronic message boards and flashing/moving displays/signs)).

e. All painted signs shall comply with the standards of this chapter and the requirements for wall signs (Section 16.76.100(J)), subject to review by the Director.

3. **Temporary Signs Limited by Size and Period of Display.**

a. **Real Estate Signs.** Real estate signs offering property for sale, lease, or rent are allowed in any zoning district on the property being advertised or on real property owned by others with their consent, subject to the following limitations:

i. For one-family dwellings, duplexes, triplexes, and townhouses, one (1) sign per street frontage, not to exceed six (6) square feet in area and six (6) feet in height.

ii. For multifamily dwellings, one (1) sign per street frontage not to exceed 40 square feet in area and six (6) feet in height, or as otherwise approved by the Director.

iii. For individual commercial, office, and industrial properties not located in a commercial center or industrial/business park, one (1) sign per street frontage not to exceed 40 square feet in area and six (6) feet in height.

iv. One (1) sign per street frontage, not to exceed 40 square feet in area and six (6) feet in height, shall be allowed to advertise the sale, rent, or lease, of tenant space(s) within a multitenant commercial center, office structure, or industrial subdivision. In addition, one (1) sign for each tenant

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space available not to exceed six (6) square feet to be located at the individual tenant space for rent or lease.

- i. Real estate signs may be placed on the site at the time of the listing or the availability of the rental space and shall be removed no later than the date of the completion of the sale or the signing of the lease.
- ii. Signs advertising model homes and homes for sale within the subdivision where the sign is located. (Prior code § 16-535.030)

b. **Garage Sale Signs.** Signs that announce the occurrence of a garage or yard sale may be allowed, provided that the signs shall:

- i. Not exceed six (6) square feet in area;
- ii. Only be displayed one (1) day before the sale and during the time of the sale and shall be promptly removed at the end of the sale; and
- iii. Not be placed on any public property, in compliance with Section 16.76.030(N) (Prohibited signs).

c. **Future Tenant Signs.** Future tenant identification signs that announce the future use of a project while under construction subject to compliance with the following limitations:

- i. One (1) sign per street frontage except for projects having an excess of 500 lineal feet of street frontage, one (1) additional sign may be allowed;
- ii. Signs shall be limited to a maximum of 40 square feet in area and six (6) feet in height. Maximum of 50 square feet if combined with a construction sign; and
- iii. Signs shall be removed before occupancy of the site.

d. **Construction Signs.** Signs that provide the names of the architects, engineers, and contractors working on the site of a development project subject to compliance with the following limitations:

- i. One (1) sign per street frontage not to exceed 40 square feet in area with a maximum height of six (6) feet. Maximum size of 50 square feet in area if combined with a future tenant sign; and
- ii. Signs shall be removed before first occupancy of the site.

e. **Temporary Commercial Advertising/Promotional Signs and Devices.** Temporary advertising/ promotional signs painted on a window or constructed of paper, cloth, or similar disposable materials, windblown devices (e.g., pennants, streamers, and banners), and inflatable devices may be allowed for commercial uses subject to the following limitations:

- i. Signs and other devices may be displayed for a maximum of 15 days on six (6) separate occasions within a 12-month period to promote a particular event, sale, or product;
- ii. The total area of all temporary signs and banners shall not exceed 100 square feet per business; and

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iii. Tethered balloons and inflatable devices may exceed the zoning district maximum height requirement.

f. **Temporary Business Identification Signs.** Until permanent signs can be erected, a maximum of two (2) temporary signs for the identification of a new business or a change in the name of the business, are allowed for a period not to exceed 90 days. A one (1) time extension of 30 days may be granted by the Director. Maximum sign area is limited to 32 square feet.

### 4. **Temporary Signs Without Specific Size Limitations.**

a. **Temporary Political Signs.** Temporary political signs shall comply with the following standards:

i. Signs shall be allowed on private property in any zoning district subject to the owner's permission;

ii. Signs shall not be located in a public right-of-way, easement, or on other governmental property dedicated to a public purpose;

iii. Signs shall not be located upon utility or telephone poles;

iv. Signs attached to a wall, fence, or structure shall not project more than six (6) inches from a wall, fence, or structure;

v. Every political sign shall contain the name, address, and telephone number of a contact person who can be contacted regarding removal of the sign; and

vi. Political signs shall be placed no earlier than the filing of official papers for public office and shall be removed within seven (7) days of an election in compliance with the Municipal Code.

b. **Holiday Decoration Signs.** Holiday decorations and holiday decoration signs shall not require a sign permit and are not subject to the requirements of this chapter. Holiday decoration signs shall be removed within three (3) days of the end of the holiday.

c. **Temporary Special Event Signs.** A special event sign, balloon, or banner intended to inform the public of a unique happening, action, purpose, or occasion, (e.g., a community event) shall comply with the following standards:

i. An organization may be allowed to display special event signs, balloons, or banners in any zoning district for a period of up to two (2) weeks. Periods up to 60 days may be approved by the Director if the applicant provides written justification;

ii. Special event signs shall not include promotional commercial advertising; and

iii. Special event signs shall be removed no later than three (3) days after the end of the special event.

d. **Temporary Window Signs.** Each business establishment shall be allowed to have temporary window signs provided the signs are located on the inside of the window.

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(Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 17, 18; prior code § 16-360.040)

### SECTION XIX: AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.020 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### **16.80.020 Accessory uses and structures.**

This section provides standards for accessory uses and structures.

A. **Residential.** Provides standards for accessory uses and structures that are customarily related to a residence, (e.g., garages, greenhouses, storage sheds, studios, above ground swimming pools/spas, and workshops).

1. **Relationship of Accessory Use to the Main Use.** Accessory uses and structures shall be incidental to and not alter the residential character of the site.

2. **Attached Structures.**

a. An accessory structure that is attached to a main structure shall be compatible with, and made structurally a part of, the main structure (e.g., share a common wall with the main structure, rely partially on the main structure for structural support, or be attached to the main structure at a minimum of four (4) points within 20 feet).

b. An attached accessory structure shall comply with the requirements of this Development Code applicable to the main structure, including setbacks, heights, and lot coverage.

c. Construction and the use of materials and colors shall be compatible with the main structure whenever feasible.

3. **Detached Structures.**

a. **Coverage.** The floor area of a detached accessory structure or that portion of the detached accessory structure that is located within the setback area shall not exceed 50 percent of the required rear yard (the rear setback area) of the parcel in compliance with Table 2-3 (Zoning District Development Standards). Accessory structures shall be included in the calculation for the coverage of the entire site in compliance with Table 2-3.

b. **Height Limit.** Detached accessory structures shall not exceed a height of 15 feet, except detached tool sheds located within a required side yard which shall not exceed a height of seven (7) feet from grade. Flagpoles are limited to 15 feet within the setback area in compliance with Section 16.36.090(B)(6) (Flagpoles).

c. **Materials and Color.** Detached accessory structures shall be compatible with the materials and color of the main dwelling(s) on the property whenever feasible.

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d. **Separation Requirements.** Detached accessory structures on a single parcel shall be separated from the main structure and other structures by five (5) feet or more, as required, except as allowed by the [Uniform Building Code](#) (UBC).

e. **Distance Requirements.** A detached accessory structure shall be set back at least the distance from the property line required in Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures), except for the following:

i. **Side Yard.** Accessory structures may only be allowed within one (1) required side yard, provided that side yard has at least a three (3) foot walkway between the front and rear yards that is open and unobstructed from the ground upward, in compliance with Section [16.36.110\(D\)\(1\)\(b\)](#). See Figure 3-27 (Distance Requirements for Accessory Structures).

ii **Hot Tubs and Swimming Pools/Spas.** The setbacks for hot tubs and swimming pools/spas shall be measured from the property line to the inside (water side) wall of the hot tub, swimming pool, or spa, and the hot tub, swimming pool, or spa shall be subject to the following:

(A) **Under 30 Inches.**

(1) **Above Ground.** Above ground hot tubs, pools and spas less than 30 inches above finish grade are exempt from rear and side setback requirements.

(2) **In Ground.** In ground swimming pools or other recreational pools may be located in a required side or rear yard, subject to a three (3) foot setback in compliance with Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures) and the applicable building and health codes.

(B) **30 Inches and Over.** Hot tubs and swimming pools/spas that are placed directly upon the finish grade, and which equal or exceed a height of 30 inches above the surrounding finish grade at any point, may be located in a required side or rear yard, subject to a three (3) foot setback in compliance with Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures) and the applicable building and health codes.

iii. **Equipment for Hot Tubs, Swimming Pools, and Spas.** Equipment for hot tubs, swimming pools, and spas shall be three (3) feet from the side and rear property lines in compliance with Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures), except for equipment that is:

(A) Muffled by a sound barrier; or

(B) Less than six (6) feet in height and located adjacent to a solid fence or wall at the rear property line.

iv. **Garages/Carports.** Garages, carports, and other portable vehicle covers or shelters, permanent or temporary, shall be in compliance with

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Table 3-13 (Distance Requirements—Detached Residential Accessory Uses and Structures), except for the front yard setback of side-entry garages which shall be 15 feet. Garages and carports in multifamily projects shall not directly face an abutting public street.

v. **Landscape Ponds/Design Elements.** Landscape ponds, including pumps, and other design elements (arbors, statuary, benches, lights, etc.) may be located in a required front, side, or rear yard, subject to the applicable building and health codes.

vi. **Fences, Hedges, and Walls.** Fences, hedges, and walls shall be in compliance with Chapter 16.48 (Fences, Hedges, and Walls).

**TABLE 3-13  
DISTANCE REQUIREMENTS—DETACHED RESIDENTIAL  
ACCESSORY USES AND STRUCTURES**

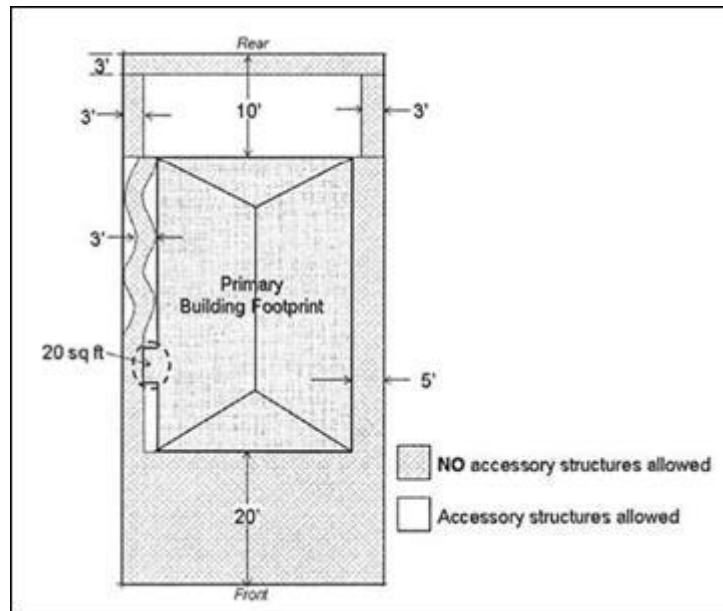
\*See Section 16.80.020 for exceptions

Residential Uses			
Detached Accessory Use/Structure	Type	Required Distance from Property Line	
		Single-Family, Duplexes, and Triplexes	Multifamily
<u>Stationary emergency generators</u>	<u>Front</u> <u>Side, rear</u> <u>Street, side</u>	<u>Same as main structure</u> <u>3 feet</u> <u>Same as main structure</u>	<u>Same as main structure</u> <u>3 feet</u> <u>Same as main structure</u>
Air conditioning equipment, water softener, water heater except as provided in Section 16.80.020(A)(3)(e)(i)	Front Side, rear Street, side	Same as main structure 3 feet Same as main structure	Same as main structure 3 feet Same as main structure
Garage, carport, portable vehicle covers or shelters, except as provided in Sections 16.80.020(A)(3)(e)(iv) and 16.36.110(F)	Front Side Street side Rear Alley	20 feet 3 feet 20 feet 3 feet; if entrance faces right-of-way—20 feet 10 feet from alley	20 feet Same as main structure 20 feet Same as main structure 10 feet from alley
	Front	5 feet	5 feet

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Residential Uses			
Detached Accessory Use/Structure	Type	Required Distance from Property Line	
		Single-Family, Duplexes, and Triplexes	Multifamily
Flagpoles in compliance with Sections 16.36.090(B)(6) and 16.80.020(A)(3)(b)	Side	3 feet	3 feet
	Street side	5 feet	5 feet
	Rear	3 feet	3 feet
Hot tubs, spas, swimming pools, except as provided in Section 16.80.020(A)(3)(e)(ii)	Front	Same as main structure	Same as main structure
	Side	3 feet	3 feet
	Street side	Same as main structure	Same as main structure
	Rear	3 feet	3 feet
Hot tub, pool and spa equipment, except as provided in Section 16.80.020(A)(3)(e)(iii)	Front	Same as main structure	Same as main structure
	Side, rear	3 feet	3 feet
	Street side	Same as main structure	Same as main structure
All other accessory structures, including gazebo, greenhouse, storage shed, workshop, pool house, patio cover, outdoor play equipment, recreational court, stationary barbeque, fire pit. Sections 16.80.020(A)(3)(e)(i) and 16.76.110(F).	Front	Same as main structure	Same as main structure
	Side	3 feet	Same as main structure
	Street side	Same as main structure	Same as main structure
	Rear	3 feet	Same as main structure
	Alley	10 feet from alley	10 feet from alley

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**FIGURE 3-27 DISTANCE REQUIREMENTS FOR DETACHED ACCESSORY STRUCTURES**

B. **Nonresidential.** Provides standards for accessory uses and structures that may be related to nonresidential uses.

1. **Amusement Devices.** Amusement devices, as defined in Division 8 (Glossary), shall only be allowed in compliance with Section 16.80.050 (Amusement devices).

2. **Containerized Storage Units.** Containerized storage units, as defined in Division 8 (Glossary) shall only be allowed as follows:

a. **Standards.**

i. **Commercial.** Permanent containerized storage units are prohibited. Temporary units may be allowed subject to a temporary activity permit (Chapter 16.164).

ii. **Industrial.** Temporary and permanent containerized storage units shall be allowed in compliance with the requirements of this Development Code for primary structures, including the following:

(A) **Screening.** All containerized storage units shall be screened from public rights-of-way in compliance with Section 16.36.100 (Screening and buffering); and

(B) **Parking.** The containerized storage unit shall be included in determining the parking requirements for the primary use in compliance Chapter 16.64 (Off-Street Parking and Loading Standards).

iii. **Residential.** Containerized storage units shall be prohibited in residential zoning districts.



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- b. **Modifications.** Any modification or permanent attachment to the ground shall be subject to the requirements of this Development Code, the Municipal Code, the **Uniform Building Code**, standard plans and specifications, and design review.
3. **Mobile Vendors.** Street vendors, as defined in Division 8, shall be allowed as an outdoor accessory use in a commercial zoning district or PF (public facilities) zoning district in compliance with the following:
- a. A business license is obtained in compliance with Section **5.08.070** of the Municipal Code;
  - b. Not utilize, or be located on, parking spaces required for the primary use;
  - c. Not be located on a vacant parcel;
  - d. Be located on pavement per City standards;
  - e. Provide sufficient room surrounding the cart to allow for accessibility and to meet fire codes and ADA requirements;
  - f. Not interfere with access, aisles, circulation, driveways, or fire lanes and shall not operate in a place where the operation will create a traffic hazard;
  - g. Not interfere with pedestrian movement or create a pedestrian hazard;
  - h. If food or drink is served:
    - i. All cooking shall be off-site,
    - ii. Provide a trash receptacle and keep the area litter free at all times, and
    - iii. Comply with the requirements of the County Health Department;
  - i. Use of a public right-of-way shall only be allowed in compliance with Section **5.08.280** of the Municipal Code.
4. **Motorized Food Wagons.** Motorized food wagons shall:
- a. **Private Property.**
    - i. ~~Be incidental to a primary use with a valid business license; a temporary motorized food wagon shall not be the primary use of a parcel. Motorized food wagons shall not be permitted as an accessory use to a stand-alone parking lot (auto/vehicle services—inoperable vehicle storage/parking facilities, public/vehicle storage);~~
    - ii. ~~Be located in industrial and commercial zoning districts. Use of motorized food wagons during special events shall be permitted subject to Chapter 16.164 (Temporary Activity Permits);~~
    - iii. ~~Not be located on a vacant parcel;~~
    - iv. ~~Be located on pavement per City standards;~~
    - v. ~~Not utilize, or be located on, parking spaces required for the primary use. At least two (2) parking spaces, in addition to those required for the primary use, shall be provided for the motorized food wagon operation;~~

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- ~~vi. Not interfere with access, driveways, aisles, or circulation, and shall not operate in a place where the operation will create a traffic hazard;~~
- ~~vii. Comply with the requirements of the County Health Department; and~~
- ~~i. Be incidental to a primary use excluding Auto/Vehicle Services: –  
Inoperable Vehicle Storage, Auto/Vehicle Services: Parking Facilities,  
Auto/Vehicle Services: Vehicle Storage;~~
- ~~ii. Have a valid business license;~~
- ~~iii. Be located in industrial and commercial zoning districts;~~
- ~~iv. Use of motorized food wagons during special events, shall be permitted subject to Chapter 16.164 (Temporary Activity Permits);~~
- ~~v. Not be located on a vacant parcel;~~
- ~~vi. Be located on pavement per City standards;~~
- ~~vii. Not utilize, or be located on, parking spaces required for the primary use;~~
- ~~viii. Not interfere with access, driveways, aisles, circulation, or operate in a place resulting in a traffic hazard; and~~
- ~~ix. Comply with the requirements of the County Health Department.~~

b. **Public Right-of-Way.** Only be permitted on public rights-of-way, subject to Section 5.08.280 of the Municipal Code.

5. **Outdoor Phone Booths.** Outdoor phone booths shall only be allowed in compliance with the Municipal Code.

6. **Retail/Service.** Provides standards for accessory uses and structures allowed in the RH and CO zoning districts. Accessory uses include any use that is customarily incidental to the main use and provides an accessory service, including lunchrooms, prescription pharmacies, and beauty and barber shops, to serve occupants and patrons of the main use, subject to the following requirements:

a. Shall be incidental to and not alter the residential or office character of the site;

~~b. No entrance to the business shall face directly on a public way or have direct access to a public street;~~

~~c. b.~~ All goods or services shall be displayed, dispensed, and stored solely within the structure;

~~d. There shall be no exterior display or other advertising media employed or readily visible from the exterior of the structure;~~

~~e. c.~~ Shall not exceed 25 percent of the structure area; and

~~f. d.~~ Shall be developed in compliance with the building envelope standards for the main structure.

C. **Other.** Other accessory uses and structures including stationary outdoor barbeques shall be subject to the following:

1. The accessory uses are allowed if:

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- a. The accessory use is identified in Table 2-2 (Allowed Land Uses and Permit Requirements) as an allowed use if it were a primary use; or
- b. The accessory use or structure is:
  - i. Incidental to the primary use;
  - ii. Has a floor area that is less than 25 percent of the floor area covered by the primary use;
  - iii. Has an overall site area that is less than 10 percent of the overall site covered by the primary use;
  - iv. In the opinion of the Director, would not have a substantial, adverse effect on adjacent property;
  - v. Not located in a required setback area, except as provided for in Section 16.36.120 (Site coverage measurements and exceptions);
  - vi. Not adversely impacting circulation or increase the required number of parking spaces; and
  - vii. Would comply with existing requirements of agencies having jurisdiction and other appropriate regulatory agency.
2. For those accessory uses that do not meet the requirements of subsection (C)(1) of this section, the level of review for the accessory use shall be the same as the level of review required for the primary use. (Ord. 2014-07-29-1601 C.S. § 3; Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 19, 20; Ord. 023-07 C.S. §§ 79—82; prior code § 16-365.020)

## SECTION XX: AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.100 of the Stockton Municipal Code (SMC) is amended to read, as follows

### **16.80.100 Child care facilities.**

This section establishes standards for the provisions of child care facilities in zoning districts where they are allowed in compliance with the provisions of Division 2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards). Child care facilities shall be in compliance with State law and in a manner that recognizes the needs of child care operators and minimizes the effects on surrounding properties. These standards apply in addition to the other provisions of this Development Code and requirements imposed by the California Department of Social Services. Licensing by the Department of Social Services is required for child care facilities.

- A. **Types.** Child care facilities include the following types:
  1. **Small Family Child Care Homes (Eight (8) or Fewer Children).** Allowed within ~~a single-family residence in~~ zoning districts determined by Division 2 (Zoning Districts, Allowable Land Uses, and Zone Specific Standards). Except for a clearance from the Fire Department, no City land use permits or clearances are required;
  2. **Large Family Child Care Homes (~~Nine (9) to~~ Up to 14 Children).** Allowed within ~~a single-family residence in~~ zoning districts determined by Division 2 (Zoning

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Districts, Allowable Land Uses, and Zone-Specific Standards), ~~in compliance with the standards in subsection (B)(1) of this section (Standards for large family child care homes)~~" means a home that provides family child care for up to 12 children, or for up to 14 children if the criteria in Section 102416.5(c) are met. These capacities include children under age 10 who live in the licensee's home and the assistant provider's children under age 10; and

3. **Child Care Centers (15 or More Children).** Allowed in the zoning districts determined by Division 2 (Zoning Districts, Allowable Land Uses, and Zone Specific Standards), and the standards in subsection (B)(2) of this section (Standards for child care centers).

### ~~B. Standards for Child Care Facilities.~~

#### ~~1. Standards for Large Family Child Care Homes.~~

~~a. Care Provider's Residence. The large family child care home shall be the principle residence of the care provider and the use shall be clearly residential in character, and be incidental and secondary to the use of the property as a residence.~~

~~b. Licensed. Be licensed by the State as a large family child care home.~~

~~c. Children. A large family child care home shall accommodate between nine (9) to 14 children, including children under 10 years of age, who may reside in the home, provided:~~

~~i. At least two (2) of the children are at least six (6) years of age; and~~

~~ii. No more than three (3) infants are cared for during any time when more than 12 children are being cared for.~~

~~d. Separation Standard. The facility shall not be located within 500 feet of another licensed large family child care home or child care center.~~

~~e. Fire Department Standards. The facility shall comply with the standards established by the City Fire Department.~~

~~f. Noise. In order to protect adjacent residential dwellings from noise impacts, a facility within a residential zoning district may only operate up to 14 hours for each day between the hours of 6:00 a.m. and 8:00 p.m. and may only conduct outdoor activities between the hours of 7:00 a.m. and 7:00 p.m.~~

~~g. Play Areas. Play areas shall be located in the rear or interior side yard and shall be enclosed by a minimum of a four (4) foot high fence. Pools shall be enclosed by a five (5) foot high fence.~~

#### ~~h. Off-Street Parking and Drop-Off/Pick-Up Standards.~~

~~i. Each facility shall provide an off-street parking space for each employee and provide a separate, off-street parking space for dropping off and picking up children. All spaces shall comply with the size requirements for parking spaces in the parking lot development standards (Section 16.64.080(C)(1)(a)); and~~

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~~ii. Residences located on through streets (Municipal Code Section 10.04.260) classified as a collector or arterial shall provide a drop-off/pick-up area that does not require backing into the street.~~

a. ~~2.~~ **Standards for Child Care Centers.** The following standards for child care centers shall apply, in addition to those standards contained in subsection (B)(1) of this section (Standards for large family child care homes):

- i. **Parcel Size.** The minimum parcel size for a child care center shall be 8,000 square feet.
- ii. **Fence or Wall.** A six (6) foot high solid decorative fence or wall shall be constructed on all property lines, except in the front yard or within a traffic sight area (Section 16.36.140). Fences or walls shall provide for safety with controlled points of entry. A minimum three (3) foot wide landscaped area shall be provided adjacent to the wall/fence and shall include a dense hedge of evergreen shrubs a minimum of 15 gallons in size.
- iii. **Play Areas.** The facility shall provide play areas:
  1. **Indoor Play Areas.** Indoor play areas shall be in compliance with State requirements requiring 35 square feet of indoor play area per child; and
  2. **Outdoor Play Areas.** Outdoor play areas shall be in compliance with State requirements requiring 75 square feet of designated fenced outdoor play area for each child. Pools shall be enclosed by a minimum five (5) foot high fence.
- iv. **Hours of Operation.** Unless otherwise stated in the use permit, hours of operation shall be confined to between 6:00 a.m. and 10:00 p.m. In no case shall an individual child stay for a continuous period of 24 hours or more.
- v. **Signs.** One (1) sign shall be permitted in compliance with Chapter 16.76 (Sign Standards).
- vi. **Off-Street Parking.** Off-street parking shall be provided in compliance with Chapter 16.64 (Off-Street Parking and Loading Standards), plus additional surface area shall be provided that is of sufficient size to accommodate off-street loading/unloading. The area used for parking shall not be used for both parking and as a play area at the same time.
- vii. **Separation Standards.**
  1. The minimum separation between the main assembly building of the center and an adjacent residential property line shall be 30 feet; and
  2. The facility shall not be located within 500 feet of another licensed large family child care home or child care center.
- viii. **Location.** Wherever possible, facilities shall be located in existing institutional facilities and/or along major streets.  
(Ord. 001-08 C.S. § 86; prior code § 16-365.070)

## SECTION XXI: AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.155 of the Stockton Municipal Code (SMC) is amended to read, as follows

### 16.80.155 Emergency shelters.

This section provides development standards for the establishment of any emergency shelter projects in zoning districts where they are allowed in compliance with the provisions of Division

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2 (Zoning Districts, Allowable Land Uses, and Zone-Specific Standards). - Nothing in this Section modifies the requirements for approval of a religious facility as otherwise provided in this Code.

A. **Separation Between Structures.** Developments with multiple structures shall provide a 12-foot separation between those structures.

B. **Physical Characteristics.**

1. Compliance with applicable state and local uniform housing and building code requirements.
2. The facility shall have on-site security during all hours when the shelter is open.
3. Facilities shall provide exterior lighting on pedestrian pathways and parking lot areas on the property. Lighting shall reflect away from residential areas and public streets.
4. Facilities shall provide secure areas for personal property.

C. **Maximum Number of Beds per Facility.** The maximum number of beds per facility shall be determined and as allowed by Building and Fire Codes.

D. **Limited Terms of Stay.** The maximum term of staying at an emergency shelter is 6 months in a consecutive 12-month period.

E. **Parking.** The emergency shelter shall provide off-street parking at a ratio of two (2) spaces per facility for staff plus one (1) space per 10 occupants allowed at the maximum capacity.

F. **Emergency Shelter Management.** A management plan is required for all emergency shelters to address management experience, good neighbor issues, transportation, client supervision, client services and food services. Such plan shall be submitted to and approved by the Director prior to operation of the emergency shelter. The plan shall, at minimum, identify the property owner's and operator's names and contact information, on-site security and anti-loitering measures. The plan shall include a floor plan that demonstrates compliance with physical standards of this chapter. The operator of each emergency shelter shall annually submit the management plan to the Director with updated information for review and approval. The City Council may establish a fee by resolution to cover the administrative cost of review of the required management plan.

G. **Waiting Area.** In order to prevent queuing of shelter residents off-site, an on-site intake waiting area shall be provided that is adequate to accommodate all incoming residents.

H. **Proximity.** The proximity of an emergency shelter located next to another emergency shelter shall be at minimum 300 feet.

I. **Environmental Assessment.** Pursuant to Government Code Section 65583(a)(4)(B), permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act. (Ord. 2016-04-12-1602 § IV)

J. **Shelter Crisis.** In the event that the City Council declares a shelter crisis, pursuant to California Government Code Section 8698.2, the following shall apply in regards to emergency/temporary housing:

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1. **Temporary housing.** Temporary structures for habitation, including, but not limited to, trailers, recreational vehicles, manufactured homes, tiny homes, and similar configurations are permitted on parcels with the approval of a Temporary Activity Permit, in zoning districts identified in Table 2-2.

2. **Application filing and processing.**

- a. General. In zoning districts that permit Emergency Shelters by-right, an application for temporary housing shall be filed and processed in compliance with section 16.164.030.B (Temporary activities). It is the responsibility of the applicant to provide evidence in support of the findings required by subsection J.4 (Findings and decision), below.
- b. Multiple temporary units. For proposals that include multiple temporary housing units on a single parcel, the application shall also include details of the operations of the use, including, but not limited to, a description of the following:
  - i. Number of proposed units.
  - ii. Cooking facilities.
  - iii. Sanitation facilities and management thereof.
  - iv. Power source and associated noise mitigation.
  - v. Site lighting.
  - vi. Site security and management, including the number of staff on site at any given time.
  - vii. Location of proposed parking.
  - viii. On-going site maintenance.
  - ix. Duration of temporary housing.
  - x. Clean-up/returning the site to its original condition following termination of the use.

3. **Development standards.**

- a. Number of units permitted. The number of temporary housing units, either individual, or single-family units, permitted on a parcel shall be determined through the Temporary Activity Permit process.
- b. Lighting. Adequate external lighting shall be provided for security purposes in compliance with Section 16.32.070.
- c. On-site management. For proposals that include multiple temporary housing units, with five or more units on a single parcel, at least one facility manager shall be on-site during hours of operation.
- d. Sanitation facilities. The number of bathrooms and showers required on site shall be determined through the building permit process and shall be consistent with the California Building Code.
- e. Parking. No parking is required for temporary housing.
- f. Water and wastewater services. Water and wastewater service shall be available on the site proposed for temporary housing structures unless an alternative source is approved by the City of Stockton Municipal Utilities Department and Cal Water (if applicable) and complies with any applicable provisions of the California Building Code.



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- i. Water: To protect the public water system, the appropriate approved backflow device shall be required. Initial testing certification of backflow devices is required and shall be performed by an entity as determined by the water purveyor.
- ii. Wastewater: To protect public health, connection to the wastewater system is required. The City of Stockton Municipal Utilities Department will determine the appropriate connection requirement.
- g. Electrical service. Electrical services shall be available on the site proposed for temporary housing structures unless an alternate source is approved by the Director and is in accordance with any applicable provisions of the California Building and Electrical Codes. All temporary or permanent electrical service shall be located on the subject site.
- 4. **Findings and decision.** A Temporary Activity Permit for temporary housing may be approved by the Director pursuant to Section 16.164.050 (Findings and decision).
- 5. **Duration of use.** The duration of a temporary housing use shall be determined by the Director. It shall be the responsibility of the property owner to ensure that temporary housing units are vacated in accordance with law on or before expiration of the Temporary Activity Permit.

## SECTION XXII: AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.160 of the Stockton Municipal Code (SMC) is amended to read, as follows

### **16.80.160 Home occupations.**

This section provides development and operational standards for the review and approval of home occupations permits in compliance with Chapter 16.132 (Home Occupation Permits).

- A. Location. The location of the business shall be the principal residence of the person(s) conducting the business and shall be clearly incidental and secondary to the use of the property for residential purposes;
- B. Alterations. Alterations shall not be made which would alter the character of the residence or change its occupancy classification in compliance with the building code;
- C. Signs. Advertising sign(s), displays of merchandise or stock-in-trade, or other identification of the business activity shall not be provided on the premises;
- D. Nuisance Factors. The business shall not create levels of glare, light, noise, electrical interference, dust, heat, odor, solid waste, vibration, or other characteristics in excess of that customarily associated with similar residential uses;
- E. Residents Only. Persons engaged in the business shall be limited to persons residing on the premises;
- F. Use to be Enclosed. The business shall be conducted completely within the enclosed living space of the residence or accessory structure. If the business is conducted within a garage, the use shall not encroach within the required parking spaces for the residence. The vehicle door to the garage shall remain closed while the business activity is being conducted;



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- G. Outside Storage. Equipment, materials, or products associated with the business shall not be stored outdoors;
- H. Hazardous Materials. The business shall not involve the storage, sale, or use of explosive, guns, ammunition, or flammable or hazardous materials as determined by the Fire Department;
- I. Equipment. Gasoline and/or diesel powered engines are not allowed, and any mechanical or electrical equipment used in the home occupation shall not use an electrical motor exceeding 15 amps at 110 volts;
- J. Trip Generation. The business shall not generate additional pedestrian or vehicular trips in excess of that customarily associated with the zoning district in which it is to be located. Clients, customers, patrons, or students shall not visit or conduct business at the residence, except as provided by Chapter 16.132 (Home Occupation Permits);
- K. Vehicles. One (1) vehicle that is clearly commercial may be used as part of the home occupation provided it has a rated carrying capacity of no more than one (1) ton, the vehicle is parked on-premises when not in use, and the vehicle is not visible from the right-of-way;
- L. Sale. Merchandise or products shall not be sold upon the premises;
- M. ~~Storage of Merchandise. No more than 100 cubic feet of storage area may be provided on the site. Additional stock used by the business that is not customary to a residential use shall be stored at an off-premises location (e.g., storage facility or other nonresidential location); and~~  
Size. No more than 10 percent of the habitable area of the dwelling shall be used for the home occupation, including storage of items used or produced and equipment. Additional stock used by the business that is not customary to a residential use shall be stored at an off-premises location (e.g., storage facility or other nonresidential location); and
- N. Use of Parking Spaces. Required parking spaces shall be kept clear and used only for the parking of vehicles owned by persons residing on the premises. (Prior code § 16-365.130)

### SECTION XXIII: AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.210 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### **16.80.210 Mobilehome parks and subdivisions.**

- A. **Location Criteria.** Mobilehome parks may be permitted in zoning districts identified by Table 2-2 (Allowable Land Uses and Permit Requirements) that comply with the following locational criteria:

- ~~1. Locations that are logically suited for multifamily development, such as transition areas between major traffic arterials, commercial or industrial development, and low-density residential development.~~
- ~~2. Access to the mobilehome park shall be directly to a major arterial street or within 500 feet of freeway access ramps (major streets are defined and located in the Circulation Element of the General Plan).~~

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~~1.3.~~ Mobilehome parks shall not be located where it is necessary for traffic movement from the park to pass through an existing or proposed residential development.

~~4. Mobilehome parks shall not be permitted at locations that would disrupt the logical expansion of conventional subdivisions or extension of street systems, utilities, or public improvements.~~

~~5. Mobilehome parks shall not be permitted at locations so far removed from existing utilities or community services, including fire or police protection, schools, etc., so as to place a financial burden on the City for provision and maintenance of these facilities.~~

### B. Development Standards Local Requirements

#### 1. **General.**

~~a. **State and Federal Requirements.** The following local standards are supplemental to the State of California Mobilehome Act or Federal Housing Administration (where applicable) standards and do not relieve the developer from complying with those State or Federal standards not covered herein.~~

~~b. **Waiver of Standards.** Any modifications or waivers to local standards shall be permitted only where the developer can substantiate to the Planning Commission, or City Council on appeal, that there are exceptional or extraordinary circumstances preventing compliance with the standard and where the waiver will not prove detrimental to the surrounding neighborhood or public welfare.~~

#### ~~2. **Mobilehome Park Area and Setback Requirements.**~~

~~a. Minimum gross area shall be five (5) acres.~~

~~b. Minimum number of mobilehome spaces shall be 50.~~

~~c. Mobilehome spaces, buildings, parking or recreational areas, and other structures shall be set back a minimum of 20 feet from all property lines along public streets.~~

#### ~~3. **Mobilehome Space Area and Setback Requirements.**~~

~~a. Mobilehome space minimum dimensions:~~

~~i. Width 40 feet;~~

~~ii. Length 70 feet; and~~

~~iii. Area 2,800 square feet.~~

~~b. Setbacks and spacing for mobilehomes, accessory buildings and structures:~~

~~i. Setback of all mobilehomes, accessory buildings and structures from mobilehome access drive and interior property lines five (5) feet; and~~

~~ii. Minimum spacing between all structures on separate mobilehome spaces or areas 10 feet.~~

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~~c. Maximum coverage permitted by mobilehomes, structures and accessory buildings for the mobilehome park—60 percent.~~

### ~~4. Mobilehome Park Access Drive Development Standards.~~

~~a. Minimum width—41 feet (including curbs and gutters).~~

~~b. The access drive shall be surfaced in compliance with City standards for a residential street.~~

~~c. Curbs and gutters shall be provided in compliance with City standards.~~

~~d. Street lights shall be provided in compliance with City standards.~~

~~e. Length of access drive. Access drives that do not provide for continuous circulation shall not exceed 500 feet in length and shall provide a turn-around having a diameter of 40 feet.~~

### ~~5. Signs.~~

~~a. In residential zoning districts, one (1) freestanding ground sign identifying the name of the mobilehome park shall be permitted at the main entrance to the park subject to the following limitations:~~

~~i. Nonmoving and nonflashing;~~

~~ii. Illumination shall be internal and not reflect or glare on adjacent residential development;~~

~~iii. Set back 10 feet from property lines;~~

~~iv. Maximum size of 64 square feet;~~

~~v. Maximum height of eight (8) feet; and~~

~~vi. Designed in harmony with park and fencing.~~

~~b. In commercial zones, the identification signs comply with the sign regulations of that district.~~

~~c. Directional and similar type signs may be permitted within the mobilehome park as approved by the Commission.~~

~~d. Outdoor advertising structures (billboards) shall not be permitted within mobilehome parks.~~

### ~~6. Parking.~~

~~a. One (1) automobile parking space shall be required on each mobilehome space.~~

~~b. Parking for passenger automobiles is permitted along both sides of a 41-foot wide access drive.~~

~~c. Supplemental storage areas shall be required for boats, campers, travel trailers, and similar recreational vehicles if such vehicles are permitted to be kept within the mobilehome park.~~

~~7. Landscaping. All areas not occupied by mobilehomes, buildings, other structures, paving or recreational facilities shall be landscaped and maintained with lawn, groundcover, or shrubbery.~~

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### ~~8.C.~~ Other Improvements.

a. Complete frontage improvements shall be installed along public rights-of-way as required by the City Engineer.

a. Applicable single-lot development fees shall be paid as required by ordinance.

b. Storm water drainage, sanitary sewer, and water systems shall be installed to City standards at locations required by the City Engineer.

c. Electrical and telephone service shall be installed underground pursuant to adopted City standards. Individual overhead television or radio antennas shall not be permitted.

d. Land shall be dedicated or in-lieu fees paid to the City for neighborhood facilities as required in Section 16.84.080 (Fees).

e. All portion of the mobile home park abutting a public street shall have a six (6) foot high solid fence of (i) masonry or (ii) wood, with masonry posts spaced at intervals not less than 50 feet apart subject to compliance with the setback requirements of Chapter 16.48 (Fences, Hedges, and Walls).

### ~~9. Operational Standards.~~

~~a. An accessory service use such as a laundromat is permitted within the mobilehome park, for use of the residents. In mobilehome parks with 100 or more spaces, incidental business uses may be permitted as part of the project approval.~~

~~b. Mobilehomes may be sold within the mobilehome park by the owner provided they are located on a mobilehome space, and not more than one (1) mobilehome which is for sale shall be placed on any one (1) space.~~

~~c. The renting of mobilehomes in a mobilehome park is prohibited unless the mobilehome bears the insignia of the State of California Division of Building and Housing Standards and is licensed by the Division for this purpose.~~

### ~~C.D.~~ Enforcement.

a. The enforcement agency is the State of California Department of Housing and Community Development, Division of Building and Housing Standards. Prior to any construction on a mobilehome park, plans and specifications shall be submitted and approved by the enforcement agency.

b. The regulations in this section shall be considered supplementary to the rules and regulations of the State of California Department of Housing and Community Development (e.g., Title 25, [California Administrative Code](#), Chapter 5, "Mobilehome Parks, Special Occupancy, Trailer Parks and Campgrounds").  
(Ord. 015-09 C.S., eff. 12-3-09; prior code § 16-365.170)

## SECTION XXIV: AMENDMENT OF CODE

Title 16, Chapter 16.80, Section 16.80.310 of the Stockton Municipal Code (SMC) is amended to read, as follows

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### 16.80.310 Accessory dwelling units.

~~This section provides standards for the establishment of accessory dwelling units.~~

~~A. **Number of Accessory Dwelling Units Allowed.** Only one (1) accessory dwelling unit shall be allowed on a single-family parcel.~~

~~B. **Site General Requirements.** A parcel proposed for an accessory dwelling unit shall comply with all the following requirements:~~

- ~~1. The accessory dwelling unit may be located on any residentially-zoned parcel that is occupied with a single-family dwelling unit or will be improved with a single-family dwelling unit prior to or at the same time as the construction of the accessory dwelling unit;~~
- ~~2. The floor area of a detached accessory dwelling unit shall not exceed 1,200 square feet. The calculation of the floor area of the detached accessory dwelling unit includes all floor area within the building envelope of the entire detached structure, excluding the garage space and exterior stairs;~~
- ~~3. The increased floor area of an attached accessory dwelling unit shall not exceed 50 percent of the existing living area, with a maximum increase in floor area of 1,200 square feet. "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or carport or an accessory structure. If a garage or carport is provided for the attached accessory dwelling unit, the calculation of the floor area of the accessory dwelling unit does not include the floor area of the garage or carport;~~
- ~~4. An accessory dwelling unit shall not be included in the calculation of the density of the lot on which the accessory dwelling unit is located; and~~
- ~~5. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. A "passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.~~

~~C. **Development Standards.**~~

- ~~1. The height, lot coverage, and setback requirements applicable to the lot on which the accessory dwelling unit is located apply to the accessory dwelling unit, except for the following:~~
  - ~~a. No setback is required for an existing accessory legal structure that is converted to an accessory dwelling unit; and~~
  - ~~b. An accessory dwelling unit constructed within newly added space above an existing accessory legal structure shall have a minimum rear-yard setback of five (5) feet; and a minimum side-yard setback required by the zoning designation for the primary dwelling unit or five (5) feet, whichever is less. The minimum setbacks stated above only apply to the newly added space above the accessory structure, and not to the existing accessory structure.~~
- ~~2. There are no minimum off-street parking requirements for accessory dwelling units. If off-street parking space is voluntarily provided for the accessory dwelling unit,~~

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~~it may be uncovered, covered, or enclosed, but must be on a paved surface and accessible from a paved driveway.~~

### **D. ~~Design Standards.~~**

- ~~1. An attached and detached accessory dwelling unit shall be architecturally compatible with the main dwelling unit;~~
- ~~2. No portion of an accessory dwelling unit balcony, deck, or open stair landing that faces the rear lot line or the side lot nearest to the accessory dwelling unit shall be higher than three (3) feet from the ground;~~
- ~~3. For accessory dwelling units that do not meet the zoning designation's setback for the main dwelling unit, no portion of any window that faces the lot line where the setback requirement for the main dwelling unit is not met may extend above 10 feet from the ground;~~
- ~~4. An accessory dwelling unit located within the Magnolia historic overlay district or accessory to a landmark shall not require a certificate of appropriateness, as identified in Chapter Section 16.28.060 (Magnolia historic overlay district) and Chapter Section 16.220.070 (Landmarks), and instead shall be subject to design review in compliance with Chapter 16.120 (Design Review);~~
- ~~5. An accessory dwelling unit located within a design review overlay district shall be subject to Design Review in compliance with Chapter 16.120 (Design Review), except if the front, side and/or rear is not visible from a public right-of-way or internal circulation route; and~~
- ~~6. An accessory dwelling located within the Channel area overlay district shall not require a Use Permit, as identified in Chapter Section 16.28.040 (Channel area overlay district), and instead shall be subject to design review in compliance with Chapter 16.120 (Design Review).~~

**E. ~~Conversion of Existing Structures.~~** ~~The requirements in subsection A through D, above, do not apply to an accessory dwelling unit that: (1) is entirely contained within an existing single-family dwelling unit or existing legally-constructed accessory structure; (2) is not located within the Magnolia historic overlay district or, if located within the Magnolia historic overlay district, does not involve modifications to the exterior of the existing structure; (3) does not involve a landmark or, if involving a landmark, does not involve modifications to the exterior of the landmark; or (4) has exterior access independent from the existing main dwelling unit; and (5) the side and rear setback are sufficient for fire safety.~~

**F. ~~Parking.~~** ~~The accessory dwelling unit shall not be subject to minimum parking requirements. Further, when an existing garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, there is no minimum requirement for replacement of off-street parking for the main dwelling unit.~~

**G. ~~Rental of Unit.~~** ~~An accessory dwelling unit may be rented, although rental is not required. The accessory dwelling unit shall not be sold separately from the main dwelling unit. (Ord. 2018-05-15-1502 § II; Ord. 001-08 C.S. § 23; Ord. 023-07 C.S. §§ 94, 95, prior code § 16-365.290)~~

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This section provides standards for the establishment of accessory dwelling units in a manner consistent with Government Code Section 65852.2.

**A. Zoning Districts.** Table 2-2 identifies the zoning districts where accessory dwelling units are allowed.

**B. Review Procedures.**

1. All accessory dwelling unit proposals are reviewed ministerially through the application of standards in this section only.
2. An accessory dwelling unit located within the Channel area overlay district shall not require a Commission Use Permit, as identified in Chapter Section 16.28.040 (Channel area overlay district).
3. An accessory dwelling unit including exterior alterations to the parcel and/or existing structures and located within the Magnolia historic overlay district or at a parcel with a designated historic landmark shall not require a Certificate of Appropriateness, as identified in Chapter Section 16.28.060 (Magnolia historic overlay district) and Chapter Section 16.220.070 (Landmarks), and instead, shall be subject to Design Review in compliance with Chapter 16.120 (Design Review).
4. An accessory dwelling unit located within a design review overlay district shall be subject to Design Review in compliance with Chapter 16.120 (Design Review), except when it is not noticeably visible from a public right-of-way.

**C. Number of Accessory Dwelling Units Allowed.** One (1) accessory dwelling unit shall be allowed per parcel except as follows:

1. When a parcel has one or more existing multifamily buildings, as defined in this section, at least one (1) accessory dwelling unit but not more than 25 percent of the existing multifamily units are permitted when concerning the conversion of storage rooms, boiler rooms, passageways, attics, basements, or garages, if each accessory dwelling unit complies with the applicable provisions of Title 15.
2. When the parcel has one or more existing multifamily buildings, as defined in this section, a maximum of two (2) detached accessory dwelling units are permitted.

**D. Development Standards.**

1. An accessory dwelling unit shall not be included in the calculation of the density of the lot on which it is located.
2. Both detached and attached accessory dwelling units are subject to the height, site coverage, and setback standards at Table 2-3, except for the following:
  - a. Attached and detached accessory dwelling units may encroach into the rear, street side and side yard setback when a minimum setback of three (3) feet is provided.
  - b. When an existing detached accessory structure is converted in whole or part to an accessory dwelling unit, only those portions located outside the existing building envelope are subject to a minimum setback of three (3) feet.
3. The maximum floor area of a detached accessory dwelling unit is 1,200 square feet, excluding, where present, any enclosed parking space(s), exterior stairs, or similar non-habitable features.

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4. The maximum floor area of an attached accessory dwelling unit is 50 percent of the existing primary dwelling unit's living area or 1,200 square feet, whichever is larger. However, irrespective of the primary dwelling unit size, a minimum size of 850 square feet shall be permitted and, when the accessory dwelling unit provides one or more bedrooms, the minimum permitted size shall be 1,000 square feet.
5. No passageway shall be required in conjunction with the construction of an accessory dwelling unit. However, accessory dwelling units attached to single-family dwellings shall have independent, exterior access and side and rear setbacks sufficient for fire and safety.
6. No portion of an accessory dwelling unit balcony, deck, or open stair landing that faces the rear lot line or the side lot nearest to the accessory dwelling unit shall be higher than three (3) feet from the ground.
7. For accessory dwelling units that do not meet setback standards provided in this section, no portion of any window that faces the lot line where the setback requirement is not met may extend above 10 feet from the ground.

### **E. Parking.**

1. No off-street parking is required for accessory dwelling units.
2. If off-street parking space is voluntarily provided, the following standards apply:
  - a. It may be uncovered, covered, or enclosed;
  - b. It must be on a paved surface and accessible from a paved driveway; and
  - c. It may exceed the front yard pavement limit at Section 16.64.090(A)(2).
3. When an existing garage, carport or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit, there is no replacement requirement.

**F. Rental or Sale of Unit.** An accessory dwelling unit may be rented, although rental is not required. When rented, the term shall be longer than 30 days. The accessory dwelling unit shall not be sold or otherwise conveyed separately from the main dwelling unit, except as provided at Government Code Section 65852.26.

**G. Proposed Primary Dwelling(s).** No certificate of occupancy or final inspection shall be issued for an accessory dwelling unit until a primary dwelling unit has been issued such clearance on the subject parcel.

### **H. Definitions.**

1. "Living area" means the interior habitable area of a dwelling unit including basements and attics but does not include a garage or carport or an accessory structure. If a garage or carport is provided for the attached accessory dwelling unit, the calculation of the floor area of the accessory dwelling unit does not include the floor area of the garage or carport.
2. "Multifamily building" means a building including two (2) or more dwelling units.
3. "Passageway" means a pathway that is unobstructed clear to the sky and extends from a street to one entrance of the accessory dwelling unit.

## **SECTION XXV: AMENDMENT OF CODE**



## Attachment B

Title 16, Chapter 16.88, Section 16.88.030 of the Stockton Municipal Code (SMC) is amended to read, as follows

### **16.88.030 Public hearing notices.**

#### **A. Content of Notice.**

1. Notice of a public hearing shall include: the date, time, and place of the hearing; the name of the hearing authority; a general explanation of the matter to be considered; a general description, in text and/or by diagram, of the location of the property that is the subject of the hearing; and the phone number and street address of the Department where an interested person could call or visit in order to receive additional information.
2. If a proposed negative declaration or environmental impact report (EIR) has been prepared for the project in compliance with the City's CEQA Guidelines, the hearing notice shall include a statement that the hearing body would also consider approval or recommendation of the proposed negative declaration or certification of the final EIR.

#### **B. Method of Notice Distribution.** Notice shall be provided as follows:

1. **Published Notice.** A legal notice shall be published at least once in a local newspaper of general circulation within the City at least 10 days before the hearing for:
  - a. All actions in which the Council is the final Review Authority (e.g., development agreements, Development Code amendments, General Plan amendments, historical landmarks/sites/districts, master development plans, precise road plans, specific plans/amendments, street name changes, and Zoning Map amendments);
  - b. Tentative maps;
  - c. Heritage tree permits; and
  - d. Proposed negative declarations or environmental impact reports.
2. **Mailed Notice.**
  - a. **Actions.** The following actions shall require a mailed notice:
    - i. **Council Actions.** For specified actions in which the Council is the final Review Authority; and
    - ii. **Commission or Director Actions.** For all actions in which:
      - (A) The Commission is the final Review Authority (e.g., planned development permits, tentative maps, Commission use permits, and variances), or
      - (B) The Director is the final Review Authority and a public hearing is required (e.g., Administrative Use Permits), except heritage tree permits.

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iii. **Administrative Hearing Officer Actions.** For all actions in which an Administrative Hearing Officer is the final Review Authority and a public hearing is required.

b. **Method.** The notice shall be mailed or delivered:

i. **Timing.** At least 10 days before the hearing.

ii. **Recipients.**

(A) **Subject Owner(s).** The owner(s) of the property being considered or the owner's agent, and the applicant, or responsible party;

(B) **Local Agencies.** Each local agency expected to provide schools, water, or other essential facilities or services to the project, and whose ability to provide the facilities and services may be significantly affected;

(C) **Affected Owners.** All owners of real property as shown on the County's latest equalized assessment roll within a radius of 300 feet of the exterior boundaries of the parcel involved in the application, except for:

~~(1) — Large family child care homes, which shall be 100 feet,~~

~~(1 2)~~ Specific plans and master development plans, which shall be 1,000 feet, and

~~(2 3)~~ If the number of property owners to whom notice would be mailed is more than 1,000, the Director may choose to provide notice by placing a display advertisement in at least one (1) newspaper of general circulation within the City at least 10 days before the hearing in compliance with **Government Code** Section 65091(a)(3).

c. **Cost of Providing Notice.** The applicant for a project shall pay all costs associated with providing required public hearing notices, as determined by the Director.

C. **Additional Notice.** In addition to the types of notice required by subsection B of this section (Method of notice distribution), additional notice that the Director determines is necessary or desirable may be required using the Director's choice of distribution. Ord. 2016-01-26-1601 C.S. § 4; Ord. 2013-07-30-1603-01 C.S. § 2; Ord. 011-11 C.S. § 1, eff. 10-27-11; Ord. 013-10 C.S. § 1, eff. 9-23-10; Ord. 015-09 C.S., eff. 12-3-09; Ord. 023-07 C.S. § 102; prior code § 16-420.030)

## SECTION XXVI: AMENDMENT OF CODE

Title 16, Chapter 16.88, Section 16.88.050 of the Stockton Municipal Code (SMC) is amended to read, as follows

**16.88.050 Procedures for review of applications.**

**A. Review Without Notice Procedure.**

1. **Applicability.** The review without notice procedure applies to applications, which are reviewed to determine their consistency with established policies and standards and do not require action by the Commission.
2. **Notice Not Required.** Notice is not required for actions taken in compliance with this section.
3. **Review.** The Director shall review the application for completeness and accuracy and refer the application to staff and applicable agencies for review and comment.
4. **Action by Director.** The Director shall approve or disapprove the application based upon its consistency with established policies and standards.
5. **Effective Date of Action.** Action on any application, unless otherwise identified, shall be effective upon expiration of the 10-day appeal period in compliance with Section 16.92.090 (Effective date).

**B. Administrative Review Procedure.**

1. **Applicability.** The review with notice procedure applies to discretionary applications which require public notice, but which do not require a public hearing before the Commission.
2. **Preliminary Action by Director.** Following the initial review period, the Director shall either:
  - a. Proceed with the review; or
  - b. Refer the application directly to the Commission based on:
    - i. The importance of the issue in carrying out the General Plan, the cumulative effect of similar applications, policy guidance previously received from the Commission or Council, and the possibility that the decision may set a precedent for future decisions. The Commission shall give notice and conduct a public hearing in compliance with subsection C of this section (Public hearing review procedure).
    - ii. An EIR being required. All projects requiring the preparation of an EIR shall be automatically referred to the Commission for final action.
3. **Notification.** Notification of the application and any hearing that is requested in compliance with subsection (B)(5) of this section, shall be given in compliance with Section 16.88.030(B)(2) (Mailed notice).
4. **Administrative Review Process—~~14~~ 10-Day Review Period.**
  - a. There shall be a ~~14~~ 10-day review period (e.g., Administrative Use Permit and Heritage Tree Removal Permit ~~home occupation permits~~) during which time:
    - i. Comments, for or against the application, may be submitted to the Director before the application is considered; and/or
    - ii. A request for a public hearing may be submitted to the Director.

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- b. All comments/requests shall be in writing and signed by the person submitting the comments/request.
- 5. **Action by Director.** Following the review period, including the time required for the applicable environmental documents, the Director shall either render a decision or refer the application to the Commission. Any decision of the Director shall require a public hearing if a request for a public hearing has been filed in compliance with subsection (B)(4) of this section (Administrative review process).
  - a. **Decision on Application.** If the Director elects to make a decision on the application, including the environmental documents:
    - i. **Environmental Determination.** Before the Director makes a decision on the application(s), the Director shall make an environmental determination in compliance with Section 16.88.040 (Environmental determination).
    - ii. **Application.** At the conclusion of a review or hearing, whichever is applicable, the Director shall approve, conditionally approve, or disapprove the application. The Director may take specific items under advisement and reach a decision and announce it at the later date.
  - b. **Refer Application.** Refer the application and related environmental documentation directly to the Commission based on the response from notifications and the criteria in subsection (B)(2)(b)(i) of this section. The Commission shall give notice and conduct a public hearing in compliance with subsection C of this section (Public hearing review procedure).
- 6. **Finality of Decision.** The decision of the Director is final unless appealed in compliance with Chapter 16.100 (Appeals).
- 7. **Written Decision.**
  - a. **Contents of Decision.** The decision shall contain applicable findings, any conditions of approval, and related monitoring provisions deemed necessary to mitigate any impacts and to protect the public health, safety, and welfare of the City.
  - b. **Notice.** Following the rendering of a decision, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown on the application, any interested party commenting on the application or requesting a public hearing, and any interested party that provided a written request for a copy of the decision.
- 8. **Notice of Determination.** Following the hearing, any notice of determination shall be filed with the County Clerk and the State Clearinghouse, as applicable, in compliance with the City's CEQA Guidelines.
- 9. **Effective Date of Action.** Action on any application, unless otherwise identified, shall be effective upon expiration of the 10-day appeal period in compliance with Section 16.92.090 (Effective date).
- C. **Public Hearing Review Procedure.**

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1. **General Provisions.** The applicable Review Authority (e.g., Commission or Council) shall conduct a public hearing with notification for the purpose of receiving oral and written evidence relative to the application(s). This evidence shall be reviewed to determine if the application is consistent with existing policies, standards, and required findings.
2. **Notification.** Notification of the public hearing shall be given in compliance with Section 16.88.030 (Public hearing notices).
3. **Public Hearing.** The applicable Review Authority shall hold a public hearing on the application(s), including review of applicable environmental documents. An applicant, an applicant's representative, or any interested party may make a presentation on the application.
  - a. **Applications for which the Commission is the Review Authority.** Following the conclusion of a public hearing:
    - i. **Environmental Determination.** Before making a decision on the applications, the Commission shall make an environmental determination in compliance with Section 16.88.040 (Environmental determination).
    - ii. **Application.** The Commission shall approve, conditionally approve, or disapprove the application(s).
      - (A) **Finality of Decision.** The decision of the Commission is final unless appealed in compliance with Chapter 16.100 (Appeals).
      - (B) **Written Decision.**
        - (1) **Contents of Decision.** The recorded decision shall contain applicable findings, any conditions of approval, and related monitoring provisions deemed necessary to mitigate any impacts and to protect the public health, safety, and welfare of the City.
        - (2) **Notices.** Following the hearing a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown on the application and to any interested party that provided a written request for a copy of the decision.
    - iii. **Notice of Determination.** Following the hearing, any notice of determination shall be filed with the County Clerk and the State Clearinghouse, as applicable, in compliance with the City's CEQA Guidelines.
    - iv. **Effective Date of Action.** Action on any application, unless otherwise identified, shall be effective upon expiration of the 10-day appeal period, in compliance with Section 16.92.090 (Effective date).
  - b. **For Actions in Which the Council is the Review Authority.** The Council shall take the final action on all development agreements, Development Code amendments, General Plan amendments, historical landmarks/sites/districts, master development plans, precise road plan, prezoning, specific plans/amendments, street name changes, and Zoning Map amendments based on recommendation by the Commission, and appeals to Commission decisions.

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i. **Recommendation by Commission.** The Commission shall hold a public hearing in compliance with subsection (C)(3)(a) of this section (Applications for which the Commission is the Review Authority), except that at the conclusion of the public hearing, the Commission shall forward a written recommendation to the Council.

(A) **Environmental Determination.** Before the Commission makes a recommendation on the application(s), the Commission shall review and consider the environmental documentation in compliance with Section 16.88.040 (Environmental determination).

(B) **Application.** The Commission shall either:

(1) **Approve the Application.** Approve or conditionally approve the application. The resolution for the recommendation shall contain applicable findings, any conditions of approval, and reporting/monitoring requirements deemed necessary to mitigate any impacts and protect the public health, safety, and welfare of the City; or

(2) **Disapprove the Application.** The Commission's action for disapproval shall be final and conclusive unless an appeal to the Council is filed in compliance with Chapter 16.100 (Appeals). Following the Commission's action, a notice of the recommendation shall be mailed to the applicant at the address shown on the application.

ii. **Decision by Council.** Upon receipt of the Commission's recommendation and following the conclusion of the public hearing, the Council shall:

(A) **Environmental Determination.** Before making a decision on the application(s), make an environmental determination in compliance with Section 16.88.040 (Environmental determination).

(B) **Application.** Approve, approve in modified form, or disapprove the proposed application in compliance with Chapter 2.04 of the Municipal Code (Council Meetings) based on the applicable findings of fact.

(1) **Modification to Proposed Projects.** If the Council proposes to adopt a substantial modification to the proposed project that was not previously considered by the Commission during its hearings, the proposed modification shall be referred back to the Commission for its recommendation before the Council makes a final decision.

(2) **Overrule of Commission Decision.** It shall take four (4) concurring votes of the Council to overrule a decision of the Commission.

(3) **Decision.** The Council shall approve, conditionally approve, or disapprove the application(s).

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- (a) **Finality of Decision.** The decision of the Council is final.
- (b) **Written Decision.**
  - (i) **Contents of Decision.** The decision shall contain applicable findings, any conditions of approval, and related monitoring provisions deemed necessary to mitigate any impacts and protect the public health, safety, and welfare of the City.
  - (ii) **Notice of Decision.** Following the hearing, a notice of the decision and any conditions of approval shall be mailed to the applicant at the address shown on the application and to any interested party that provided a written request for a copy of the decision.
- (C) **Notice of Determination.** Any notice of determination shall be filed with the County Clerk and the State Clearinghouse, as applicable, and in compliance with the City's CEQA Guidelines.
- iii. **Effective Date.** The date on which the action of the Council becomes effective shall be in compliance with Section 16.92.090 (Effective date).

### SECTION XXVII: AMENDMENT OF CODE

Title 16, Chapter 16.92, Section 16.92.060 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### 16.92.060 Business license.

- A. **Business License Applications.** Business license applications, reviewed for compliance with this Development Code and signed off by the Director, shall be reviewed as follows:
  - 1. **Reuse of Existing Structure(s).** A business license application that proposes the establishment of a different business in an existing structure shall be subject to the following considerations:
    - a. The proposed use is allowed in the zoning district in which the use is to be located;
    - b. The proposed site and any land use(s) or structure(s) existing on the site shall not be in violation of any applicable provision of this Development Code, except for nonconforming uses and structures in compliance with Chapter 16.228 (Nonconforming Uses, Structures, and Parcels); and
    - c. ~~The proposed business site shall provide and maintain the required number of off-street parking spaces, driveway, and parking lot improvements in compliance with Chapter 16.64 (Off-Street Parking and Loading Standards), except for nonconforming uses and structures in compliance with Chapter 16.228 (Nonconforming Uses, Structures, and Parcels).~~

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2. **New Structures.** A business license application for the first occupancy of a new structure shall require full compliance with this Development Code. The new structure shall first require the issuance of a site plan review (Chapter 16.152) or other applicable permit(s) or entitlement(s) in compliance with Table 2-2 (Allowable Land Uses and Permit Requirements).

B. **Business License Renewals.** The annual renewal of a business license does not require review for compliance with this Development Code.

C. **Not an Authorization or Granting of a Privilege.** A business license is for revenue purposes only and not an authorization or granting of a privilege. Sign-off of a business license by the Director does not constitute an authorization to conduct a business in conflict with the applicable provisions, regulations, requirements, and standards identified in this Development Code, the building code, other provisions of the Municipal Code, or City, County, State, or Federal regulations and standards. (Prior code § 16-430.060)

### SECTION XXVIII: AMENDMENT OF CODE

Title 16, Chapter 16.120, Section 16.120.020 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### 16.120.020 Applicability.

A. **Types of Projects.** The following list identifies the types of projects that are subject to the City's design review process.

1. **Residential Development.**

a. New single-family tract development in a subdivision of five (5) or more parcels. (These projects are subject to the design standards located in Section 3.01 (Single-Family Design Standards for New Tract Development) of the Citywide Design Guidelines Manual.)

b. New single-family infill projects located within special districts. (See Section 3.02 of the Citywide Design Guidelines Manual (Single-Family Residential Design Guidelines for Special Districts) for a list of, and a map illustrating, the special districts.)

c. Additions and exterior remodeling of single-family dwellings located within special districts visible from the public right-of-way.

d. New multifamily developments containing four (4) or more dwelling units.

e. Additions and exterior remodeling of existing multifamily projects.

f. Accessory structures in special districts or as part of a multifamily project greater than 120 square feet that are visible from the public right-of-way.

2. **Commercial Development.**

a. New commercial development throughout the City, including special commercial districts (e.g., Downtown; Miracle Mile, or Channel area) and freeway corridors.



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- b. Additions and exterior remodeling of existing commercial development throughout the City that is visible from a public right-of-way or an internal circulation route.
    - c. Accessory structures visible from a public right-of-way or an internal circulation route.
  - 3. **Business Park and Industrial Development.**
    - a. New business park and light industrial development throughout the City.
    - b. Additions and exterior remodeling of existing business park and industrial development throughout the City that is visible from a public right-of-way or an internal circulation route.
    - c. Accessory structures visible from a public right-of-way or an internal circulation route.
  - 4. **Signs.**
    - a. New freestanding ~~on-site~~ signs throughout the City.
    - b. New off-site signs throughout the City.
- B. **Use of Design Guidelines.**
- 1. **Adopted Design Guidelines.** The Review Authority shall refer to the City of Stockton Citywide Design Guidelines (Guidelines) and other design guidelines that have been adopted by the Council in order to provide guidance to applicants seeking to comply with the requirements of this chapter.
  - 2. **To Be Used by Property Owners and Design Professionals.** The design guidelines are to be used by property owners, architects, designers, developers, and landscape architects in the planning and design of projects in the City.
  - 3. **To Be Used as Review Criteria.** The design guidelines are to be used by City staff, the Director, Architectural Review Committee ("ARC"), Cultural Heritage Board, Redevelopment Commission, Commission, and Council as adopted criteria for the review of development proposals subject to the requirements of this chapter. (Ord. 002-06 C.S. § 1; prior code § 16-515.020)

## SECTION XXIX: AMENDMENT OF CODE

Title 16, Chapter 16.120, Section 16.120.030 of the Stockton Municipal Code (SMC) is amended to read, as follows

### 16.120.030 Exemptions.

The following types of projects are exempt from the design review process and are not required to comply with the design guidelines. However, it is strongly recommended that applicants with exempt projects refer to the design guidelines and follow them to the degree feasible to help ensure well-designed projects.

- A. New single-family dwellings and additions to or remodeling of existing single-family dwellings not located within a special district or in a new subdivision of five (5) or more parcels.

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- B. Additions to or remodeling of existing commercial structures when the improvements are not visible from a public right-of-way or an internal circulation route.
- C. Additions to or remodeling of existing business park and industrial structures when the improvements are not visible from a public right-of-way or an internal circulation route.
- D. Accessory structures not visible from a public right-of-way or an internal circulation route.
- E. Interior improvements.
- F. Temporary structures as defined in Division 8 (Glossary).
- G. Routine maintenance of landscaping, signs, and structures. (Prior code § 16-515.030)
- H. Any project located within the Port (PT) Zoning District.
- I. Other situations the Director determines to be minor even if visible from the public right-of-way or an internal circulation route.
- J. Application of same, similar or different paint colors to existing buildings except for those surfaces which, in the opinion of the Director, have historically been unpainted (e.g., masonry, wood shingles, chimneys).
- K. Replacement of roofing materials, including to another type, when related to existing residential development.

### SECTION XXX: AMENDMENT OF CODE

Title 16, Chapter 16.132, Section 16.132.050 of the Stockton Municipal Code (SMC) is amended to read, as follows:

#### **16.132.050 Allowable home occupations.**

The following are deemed appropriate business activities when conducted by the resident(s) of a dwelling in a manner accessory to, and compatible with, the residential characteristics of the surrounding neighborhood. Specific uses listed in Section 16.132.060 (Prohibited home occupation uses), below, shall not be allowed as a home occupation even if the activity could be interpreted to fall under one of the following allowed activities. Allowable home occupations shall include, but are not limited to, the following activities:

- A. Art work; artist's and sculptor's studio activities;
- B. Computer use;
- C. Lessons which do not generate pedestrian or vehicular traffic in excess of that normally attributed to the residential dwelling in which it is located, including lessons for art, music, and similar fine-art related activities; swimming; and tutors;
- D. Office use;
- E. Sewing, dressmaking, tailoring, hatmaking, and fashioning of other apparel;
- F. Small handcraft;

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- G. Custom, one-of-a-kind items;
- H. Items created or assembled by hand, hand tools, or small mechanical equipment;
- I. Telephone sales;
- J. Handyman/landscaping services;
- K. Online retail sales;
- L. Cottage food industry;
- M. Mobile retail (e.g., mobile, flea market, farmers market, and seasonal vendors);
- N. Non-medical transport; or
- O. Other uses that may, as determined by the Director, be of the same general character as those listed above, incidental to or compatible with residential activities, and not objectionable or detrimental to the applicable zoning district. (Prior code § 16-530.050)

### SECTION XXXI: AMENDMENT OF CODE

Title 16, Chapter 16.136, Section 16.136.030 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### **16.136.030 Applicability.**

The review of projects for appropriate and efficient development and layout of a site is an integral part of the development approval process. Therefore, the following, unless exempt under Section 16.136.040 (Exemptions), shall require review and approval of a land development permit by the Director:

A. **Land Development Permit Required by Applicable Zoning.** Each use identified as requiring a land development permit “L” in Table 2-2, if:

1. **Construction.** The applicant proposes to construct or erect:
  - a. A new structure or improvement, or
  - b. An enlargement of an existing structure or improvement;
2. **Expansion.** The existing use would be expanded within the existing structure or into an additional structure; or
3. **Change of Use.** The land use would be a change to a more intensive land use, as determined by the Director.

~~2. **Signs for Subdivisions.** Signs advertising model homes and homes for sale within the subdivision where the sign is located. (Prior code § 16-535.030)~~

### SECTION XXXII: AMENDMENT OF CODE

Title 16, Chapter 16.164, Section 16.164.030 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### **16.164.030 Temporary activities.**

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A. **Activities Exempt from Temporary Activity Permit.** The following temporary activities are allowed and exempt from the requirement for a temporary activity permit. Temporary activities that do not fall within the categories defined below shall comply with subsection B of this section (Activities allowed with temporary activity permit).

1. **Agricultural Activities.** The grazing of animals or the production of a crop in conjunction with an agricultural activity.
2. **Boutique Sales.** Boutique sales of products handmade at the residence by the resident(s) which occur no more than four (4) days per calendar year.
3. **Car Washes.** Car washes limited to 10 days per year for an individual location and 10 days per year for each sponsoring organization. Sponsorship shall be limited to educational, fraternal, religious, or service organizations directly engaged in civic or charitable efforts, and the car wash shall be located on nonresidential property.
4. **Construction Yards.** An on-site contractors' construction yard, in conjunction with an approved construction project, where the yard would be located on the same site as the approved project.
5. **Emergency Facilities.** Emergency public health and safety needs/land use activities.
6. **Garage Sales on Private Property.** Garage sales on private property occurring no more than four (4) days per calendar year.
7. **Model Homes and Temporary Tract Sales Offices.** Temporary model homes and tract sales offices for a specific development project may be established, and kept until the project is sold out, within the area of an approved development project, solely for the sale of homes in that project ~~and subject to a land development permit (Chapter 16.136).~~
8. **Outdoor Events and Seasonal Sales.** Special events related to an existing business with temporary outdoor display/sales of merchandise and seasonal sales lots in conjunction with an established commercial business which:
  - a. Holds a valid City business license; and
  - b. Is in compliance with Section 16.80.260 (Outdoor display and sales).
9. **Allowed Uses.** Temporary land uses in a zoning district, which allows that land use on a permanent basis in compliance with the permitting requirements in Table 2-2 (Allowable Land Uses and Permit Requirements).
10. **Signs for Subdivisions.** Temporary signs advertising subdivisions and model homes, in compliance with Section 16.76.100(I)(1) (Subdivision signs) shall be allowed subject to a land development permit (Chapter 16.136).
11. **School Events.** Events held exclusively on school grounds, and which are in conjunction with the school use.
12. **Special Events Permit.** Activities requiring a special events permits in compliance with Chapter 12.72 of the Municipal Code.
13. **Temporary Work Trailer(s).** Trailer or mobilehome as a temporary work site for employees of a business:

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- a. During construction or remodeling of a permanent residential, commercial, or manufacturing structure, when a valid building permit is in force; or
  - b. It can be demonstrated that this temporary work site is a short-term necessity, while a permanent work site is being obtained.
14. **Personal Celebrations.** Noncommercial events at which people celebrate personal occasions such as birthdays, weddings, anniversaries, graduations, and similar events, provided:
- a. There is no charge for admission or use of facility;
  - b. There are no donations;
  - c. There are no public advertisements, announcement, or flyers;
  - d. It is not open to the public; and
  - e. It is subject to the noise standards (Chapter 16.60).
15. **Other.** Other temporary activities that the Director deems to be a suitable activity that is in compliance with this chapter.

B. **Activities Allowed with a Temporary Activity Permit.** The following temporary activities may be allowed, subject to the issuance of a temporary activity permit by the Director upon recommendation from applicable City departments issued before the commencement of the activity. Activities that do not fall within the categories defined below shall comply with the use and development regulations and entitlement review provisions that otherwise apply to the property.

1. **Auctions.** Temporary auctions, for no more than two (2) days per calendar year per site, for the sale of items (e.g., antiques, collectibles, household components, motor vehicles, etc.) from the home or business on the site of the auction and that have been authorized to be sold by the auctioneer. A longer time period may be authorized with the approval of an Administrative Use Permit in compliance with Chapter 16.168 (Use Permits).
2. **Construction Yards.** An off-site contractors' construction yard, in conjunction with an approved construction project, where the yard would be located on a site different from the site of the approved project. The permit shall expire upon completion of the construction project, or the expiration of the companion building permit authorizing the construction project, whichever first occurs.
3. **Farmers' Markets.** Farmers' markets for no more than two (2) consecutive days per week at the same location.
4. **Swap Meets and Sale of Used Materials.** Swap meets, rummage sales, secondhand sales, flea markets, or sale of used materials for no more than two (2) consecutive days per calendar year.
5. **Produce Stands.** Temporary produce stands in compliance with Section 16.80.280 (Produce stands).
6. **Temporary Residence.** A mobilehome used as a temporary residence for the property owner when a valid building permit for a new single-family dwelling is in force. The permit may be approved for up to 12 months or expiration of the building permit, whichever first occurs.

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### 7. **Seasonal Sales Lots.**

- a. Seasonal sales activities (e.g., Halloween, Christmas, etc.) including temporary residence/security trailers, on nonresidential properties, for up to 45 days. If the application is for more than one (1) seasonal sales activity, the temporary activity permit may be for up to 45 additional days for each additional activity to a maximum of 180 days.
- b. A permit shall not be required when the sales are in conjunction with an established commercial business holding a valid City business license in compliance with subsection (A)(10) of this section (Outdoor events and seasonal sales). Christmas tree lots and holiday sales facilities shall be in compliance with the standards in Section 16.80.110 (Christmas tree/holiday sales facilities).
- c. This category does not include produce stands (subsection (B)(5) of this section).

8. **Storage.** Enclosed temporary storage, unrelated to a construction project, including a cargo container, containerized storage unit, and sea-train, may be approved for a maximum time of 12 months from the date of approval. An initial time period of more than 12 months may be authorized with the approval of an Administrative Use Permit in compliance with Chapter 16.168 (Use Permits).

9. **Temporary Nonresidential Structures.** A temporary classroom, office, or similar structure, including a manufactured or mobile unit, may be approved, for a maximum time period of 12 months from the date of approval, as an accessory use or as the first phase of a development project. An initial time period of more than 12 months may be authorized with the approval of an Administrative Use Permit in compliance with Chapter 16.168 (Use Permits).

10. **Uses Allowed With a Discretionary Permit.** A land use which requires a discretionary permit may operate for 12 months or less with a temporary activity permit.

11. **Similar Temporary Activities.** Other temporary activities which, in the opinion of the Director, are similar in nature and intensity to those identified above. (Ord. 015-09 C.S., eff. 12-3-09; Ord. 001-08 C.S. §§ 27, 28; Ord. 023-07 C.S. §§ 117, 118; prior code § 16-570.030)

**12. Shelter Crisis. See section 16.80.155 Emergency Shelters.**

## SECTION XXXIII: AMENDMENT OF CODE

Title 16, Chapter 16.180, Section 16.180.060 of the Stockton Municipal Code (SMC) is amended to read, as follows

### **16.180.060 Review authorities for subdivision decisions.**

Table 6-1 (Review Authorities for Subdivision Decisions) and the provisions of Chapter 16.212 (Administrative Responsibility) identify the City official or authority responsible for reviewing and making decisions on each type of subdivision application and other decision

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required by this Subdivision Ordinance. Any reference to a City official or authority shall include their authorized representative(s).

**TABLE 6-1  
REVIEW AUTHORITIES FOR SUBDIVISION DECISIONS**

Type of Subdivision Application	Role of Review Authority						Reference
	Director	City Engineer	Director or of Municipal Utilities	Development Review Committee	Commission	Council	
Parcel Map Waivers	Recommend	Decision			Appeal	Appeal	Section 16.19 2.020
Tentative Maps	Recommend			Recommend	Decision	Appeal	Chapter 16.1 88
Tentative Parcel Maps	Decision			Recommend	Appeal	Appeal	Chapter 16.1 88
Tentative Map Time Extensions	Recommend			Recommend	Decision	Appeal	Section 16.18 8.100
Tentative Parcel Map Time Extensions	Decision			Recommend	Appeal	Appeal	Chapter 16.1 88
Parcel Maps—4 or fewer parcels	<del>Recommend</del> <u>Decision</u>	<del>Decision</del> <u>Recommend</u>			<u>Appeal</u>	<u>Appeal</u>	Chapter 16.1 92
Final Maps—5		Recommend				Decision	Chapter 16.1 92

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or more parcels							
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(Ord. 023-07 C.S. § 121; prior code § 16-610.060)

### SECTION XXXIV: AMENDMENT OF CODE

Title 16, Chapter 16.188, Section 16.188.050 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### 16.188.050 Review and decision.

A. **Development Review Committee (DRC).** The DRC shall:

1. **Review.** Review the tentative map ~~or tentative parcel map~~ for:
  - a. Compliance and consistency with applicable provisions of this Development Code, the Municipal Code, the General Plan, any applicable specific plan, precise road plan, or master utility plan, the City's standard specifications and plans, and the Map Act;
  - b. Conditions necessary for the tentative map to comply with the above requirements; and
  - c. Possible grounds for disapproval based on the findings in Section 16.188.060 (Findings and decision).
2. **Recommend.** Make a recommendation for approval, approval with conditions, or disapproval to the Director.

B. **Decision.**

1. **Tentative Parcel Maps (Four (4) or Less Parcels).** Except as modified by this chapter, the Director shall notice and approve, conditionally approve, or disapprove a tentative parcel map for four (4) or less parcels in accordance with Section 16.88.050(B) (Administrative review procedure). The Director:
  - a. Shall consider ~~the recommendations of the DRC~~, any agency comments on the map, and any public testimony;
  - b. Shall review and evaluate each tentative parcel map as to its compliance and consistency with applicable provisions of this Development Code, the Municipal Code, the General Plan, any specific plan, master development plan, or precise road plan, any master plan, the City's standard specifications and plans, and the Map Act. The Director shall consider any initial study or environmental impact report, where applicable;
  - c. Shall approve or conditionally approve a tentative parcel map only after the Director has first made all findings required by Section 16.188.060 (Findings and decision); and
  - d. May impose conditions of approval in compliance with Section 16.188.070 (Conditions of approval).
2. **Tentative Maps (Five (5) or More Parcels).**



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- a. **Director.** The Director shall prepare a staff report to the Commission in compliance with subsection (B)(2)(b) of this section (Notice and hearing), describing the conclusions of the evaluations of the map, and recommending that the Commission approve, conditionally approve, or disapprove the tentative map.
- b. **Notice and Hearing.** Following the review and recommendation by the DRC, the Commission shall conduct a public hearing. Notice and conduct of the hearing shall comply with Section 16.88.050(C) (Public hearing review procedure), for actions in which the Commission is the Review Authority.
- c. **Scheduling of Hearing, Action.** In compliance with the Map Act (Section 66452.1), a public hearing on a tentative map shall be scheduled, and action shall be taken, within 50 days after:
  - i. The tentative map application has been deemed complete; and
  - ii. An Environmental Impact Report has been certified, a negative declaration has been adopted, or the project has been determined to be exempt from CEQA.
- d. **Distribution of Staff Report.** The staff report on the tentative map shall be mailed to the developer at least three (3) days before any hearing or action on the tentative map by the Commission.
- e. **Hearing.** During the hearing, the Commission:
  - i. Shall consider the recommendations of the Director, Development Review Committee, any agency comments on the map, and any public testimony;
  - ii. Shall review and evaluate each tentative map as to its compliance and consistency with applicable provisions of this Development Code, the Municipal Code, the General Plan, any specific plan, precise road plan, or master development plan, and the Map Act. The Commission's evaluation shall be based on the staff report, information provided by an initial study or environmental impact report (EIR), where applicable, and any public testimony received;
  - iii. Shall approve or conditionally approve a tentative map only after the Commission has first made all findings required by Section 16.188.060 (Findings and decision); and
  - iv. May impose conditions of approval in compliance with Section 16.188.070 (Conditions of approval).(Prior code § 16-630.050)

## SECTION XXXV: AMENDMENT OF CODE

Title 16, Chapter 16.216, Section 16.216.070 of the Stockton Municipal Code (SMC) is amended to read, as follows

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### 16.216.070 Annexation process.

If the City initiates the annexation proceedings with LAFCO, the following process shall be followed in order to secure annexation to the City:

- A. **Submittal.** Annexation requests shall be submitted to the Director with the appropriate documentation required in the annexation packet, including a petition signed by the property owner(s), a signed annexation memorandum of understanding (MOU), and applicable fees;
- B. **Concurrent Applications.** Where possible, annexation requests shall be processed concurrently with project applications;
- C. **Prezoning.** The property subject to the annexation shall be prezoned before the annexation;
- D. **City Services Plan and Cost/Benefit Analysis.** A City services plan and a cost/benefit analysis shall be prepared by staff or an independent contractor;
- E. **Agricultural Conversion Statement.** If applicable, an agricultural conversion statement, including a vacant residential land inventory and build-out rate, shall be prepared by staff or an independent contractor;
- F. **Environmental Consideration.** The annexation request shall be subject to the requirements of CEQA.
- G. **Development Review Committee (DRC).** The DRC shall:
  - 1. Evaluate:
    - a. The City services plan and the cost/benefit analysis, and
    - b. The annexation proposal; and
  - 2. Forward a written recommendation to the City Council Manager;
- H. **Council.** The Council shall determine whether the City should file the annexation request with LAFCO.
  - 1. **Council Resolution.** To file the annexation request, the Council shall approve a resolution authorizing the filing of an annexation.
  - 2. **Findings.** The Council, in adopting the resolution to file the annexation, shall make all of the following findings of fact:
    - a. The unincorporated property is within, or will be within, the urban services area of the City;
    - b. The property has been prezoned with City of Stockton zoning designations;
    - c. The proposal is contiguous to existing City limits;
    - d. The proposal does not split lines of assessment or ownership;
    - e. The proposal does not create islands or areas in which it would be difficult to provide City services; and
    - f. The proposal is consistent with the land uses, objectives, policies, and programs of the General Plan; any applicable specific plan, precise road plan, or master development Plan; and other adopted goals and policies of the City.

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- I. **Submittal to LAFCO.** Upon Council approval to file, the Director shall file the annexation proposal with LAFCO, including the justification of proposal, the Council's resolution, the City services plan, environmental documents, legal description, and map.
- J. **Public Hearings.** Public hearings before LAFCO shall be conducted in compliance with State law (Government Code Sections 57000 et seq.).
- K. **Notifications.** After an annexation is ordered, notifications of the annexation shall be sent to all affected property owners and appropriate departments and agencies. (Prior code § 16-720.070)

### SECTION XXXVI: AMENDMENT OF CODE

Title 16, Chapter 16.220, Section 16.220.060 of the Stockton Municipal Code (SMC) is amended to read, as follows

#### 16.220.060 Certificates of appropriateness.

##### A. **Applicability.**

- 1. **Certificate of Appropriateness Required.** Except for exemptions listed below, a certificate of appropriateness shall be required for the following:
  - a. Any exterior alteration, expansion, demolition, relocation, or removal of any artifact, natural feature, site, or structure within a historic preservation district;
  - b. Any exterior alteration, expansion, construction, demolition, relocation, or removal of any designated historic landmark;
  - c. Any new construction within a historic preservation district or on the property of a landmark; and
  - d. Any removal, alteration, expansion, or addition of lights, signs, landscaping, street trees, or other frontage improvements in a historic preservation district or property of a landmark.
- 2. **Exemptions.** The requirement for a certificate of appropriateness shall not apply to the following:
  - a. Interior changes to a structure;
  - b. Minor changes, including:
    - i. Landscaping which does not alter the style of the site or structure or adversely impact the general architectural and/or cultural features of the property;
    - ii. Electronic security systems;
    - iii. Interior fire and life safety devices and/or systems; and
    - iv. Application of same, similar or different paint colors to existing buildings except for those surfaces which, in the opinion of the Director, have historically been unpainted (e.g., masonry, wood shingles, chimneys). This provision does not apply to historic landmarks; and

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v. Other conditions the Director determines to be minor.

c. If the Director determines that an emergency or hazardous condition exists and that it needs to be corrected to ensure public health, safety, and welfare.

3. **Environmental Compliance.** A certificate of appropriateness shall be subject to the requirements of CEQA and the City's CEQA Guidelines.

B. **Requirement for Certificate of Appropriateness.** A certificate of appropriateness shall be required:

1. **In Addition to Other Permits.** In addition to any other permits required by this Development Code or the Municipal Code; and

2. **Before Issuance of Other Permits.** Before issuance of any other permit to alter, demolish, or remove in any way the architectural features or appearance of the resource.

C. **Application Filing, Processing, and Review.**

1. **Filing.**

a. An application for a certificate of appropriateness shall be completed and filed, with any applicable fee, with the Department.

b. Applications shall include plans, specifications, and photographs, as required on the application, showing the proposed change in architectural appearance, texture of materials, and the proposed architectural design of the structure.

c. Applications for certificates of appropriateness may propose discreet alterations of a cultural resource or may propose a long-term plan of rehabilitation and preservation of a particular resource.

d. It is the responsibility of the applicant to provide evidence in support of the findings required by subsection G of this section (Findings and decision).

2. **Application Review Procedures.**

a. Each application shall be reviewed by the Director to ensure that the application is consistent with the purpose and intent of this chapter.

b. The Director shall transmit the application and plans to the Board for evaluation and written recommendation.

3. **Noticing for Certificate of Appropriateness—Not Required.** A public notice or hearing shall not be required for the Review Authority's action on a certificate of appropriateness.

D. **Board Review.** The Cultural Heritage Board shall review the application and plans based on appropriate considerations, which include the following:

1. Architectural design and style;
2. Texture and surface materials;
3. Appurtenant fixtures, fences, signs, and steps;
4. Major landscaping, alterations, additions, and/or removals;

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5. Site development and placement of structures;
6. Height and bulk of structures;
7. Parking provisions;
8. Public areas including fixtures, signs, street furniture, and trees; and
9. Relation of the proposed work to the surrounding neighborhood.

### E. **Conditions of Approval.**

1. In approving a certificate of appropriateness, the Review Authority may impose specific conditions as it finds are reasonable and necessary to ensure that the approval would be in compliance with the findings required by subsection G of this section (Findings and decision), and to carry out the purpose and requirements of this chapter, the respective zoning district, and any applicable overlay zone.
2. The conditions shall run with the land.

F. **Recommendation and Decision.** Within 45 days of the application and plans being deemed complete, the Board shall recommend that the Director, either approve or disapprove the application, in whole or in part. An extension may be granted at the written request of the applicant. The Board's recommendation shall include findings of fact relating to the criteria for obtaining the certificate, in compliance with subsection G of this section (Findings and decision).

G. **Findings and Decision.** The Board and applicable Review Authority shall enter the decision in writing with the findings of fact on which the decision is based. The certificates of appropriateness shall be approved, with or without conditions, only if all of the following findings of fact can be made. The issuance of the certificates of appropriateness would:

1. Designate, enhance, preserve, protect, restore, and perpetuate those historic districts, neighborhoods, sites, structures, and zones, which contribute to the aesthetic and cultural benefit of the City;
2. Encourage public appreciation, knowledge, and understanding of, and a sense of identity with, the City's past;
3. Foster civic and neighborhood pride in the accomplishments and beauty of the past;
4. Stabilize and improve the economic value of historic districts, neighborhoods, sites, structures, and zones;
5. Help preserve the diverse architectural design and styles that reflect phases of the City's history, and encourage complementary design and construction; and
6. Promote and encourage continued private ownership and utilization of structures currently owned and used.

H. **Notice of Issuance.** The Director shall send notice of the issuance of the certificate to the following:

1. The applicant;
2. The Board;
3. The respective Historic District Advisory Committee, if applicable; and

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4. Affected City departments.
- I. **Post Approval Procedures.**
  1. **Applicable Procedures.** Unless otherwise stated below, the requirements for the use of property, issuance of a business license or certificate of occupancy, and performance guarantees following approval of a certificate of appropriateness shall be in compliance with Chapter 16.92 (Implementation Procedures, Conditions, and Requirements). In addition, the following procedures may apply after approval of a certificate of appropriateness:
    - a. Appeals in compliance with Chapter 16.100 (Appeals);
    - b. Changes to the project in compliance with Chapter 16.104 (Changes to an Approved Project); and
    - c. Revocation/modification in compliance with Chapter 16.108 (Revocation and Modification).
  2. **Expiration/Extension.** To ensure continued compliance with the provisions of this chapter, each approved certificate of appropriateness shall expire 12 months from the date on which final action was taken to approve the application, unless otherwise identified in the certificate, if the alteration, construction, demolition, relocation, or removal has not been initiated. Time extensions may be granted in compliance with Chapter 16.96 (Expiration and Extensions). (Prior code § 16-730.060)

### SECTION XXXVII: AMENDMENT OF CODE

The following definitions of Title 16, Chapter 16.240, Section 16.240.020 of the Stockton Municipal Code (SMC) are amended to read, as follows:

**Accessory Dwelling Units.** An attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. If detached, may be a Tiny Homes (Permanent). It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as a single-family dwelling unit is situated; further accessory dwelling units are as defined in California Government Code Section 65852.2.

**Affordable Housing.** Housing capable of being purchased or rented by a household with very low, low, or moderate income, based on a household's ability to make monthly payments. Housing is considered affordable when a household pays less than 30 percent of its gross monthly income for housing and utilities. Also see "Household income."

**Affordable Rent.** Monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low or low-income households, as defined by the California Department of Housing and Community Development. Income levels shall be based on Average Median Income (AMI) and not exceeding the following calculations:

- Extremely low income: 0-30% of AMI
- Very low income: 30% to 50% of AMI
- Lower income: 50% to 80% of AMI; the term may also be used to mean 0% to 80% of AMI

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- **Moderate income: 80% to 120% of AMI**

1. ~~—**Very Low Income.** 50 percent of the area median income for the County, adjusted for household size, multiplied by 30 percent and divided by 12.~~

2. ~~—**Low Income.** 60 percent of the area median income for the County, adjusted for household size, multiplied by 30 percent and divided by 12.~~

† **Dwelling Group (Land Use).** A group of two (2) or three (3) single-family homes, including Tiny Homes (Permanent), occupying a parcel of land in one (1) ownership and having a yard or court and parking in common. Does not include multifamily, triplexes, or motels.

† **Rooming and/or Boarding Houses (Land Use).** A residence or dwelling structure, or part thereof wherein three (3) or more rooms, with or without individual or group cooking/dining facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether or not an owner, agent, or rental manager is in residence. This definition also applies wherein there is only one (1) rental agreement or lease and three (3) or more individuals sign the same agreement or subleases and rent is paid separately by each of the individuals. Does not include the rental of a single-family dwelling, ~~or the rental of one (1) or two (2) rooms within a single-family dwelling (“Single-family dwelling”)~~

† **Single-Family Dwellings (Land Use).** A freestanding residential building designed for and/or occupied exclusively by one (1) living unit that includes one (1) kitchen and permanent provisions for living, sleeping, eating, sanitation, and parking. Also includes factory-built, modular housing units constructed in compliance with ~~the Uniform Building Code (UBC)~~ Title 25 of the California Code of Regulations and mobilehomes/manufactured housing on permanent foundations. May also include living quarters without kitchen facilities for domestic employees (maid, etc.). Does not include “Rooming and/or boarding houses.”

† **Social Services Facilities (Land Use).** Establishments providing assistance and aid to those persons requiring counseling and/or treatment for psychological problems, addictions, learning disabilities, and physical disabilities or to those persons in need of food and/or shelter.

1. **Drug Abuse, Alcohol Recovery/Treatment Facilities (Land Use).**

Establishments that provide assistance, counseling, and/or medical treatment for those persons dependent upon alcohol or drugs. Does not include one-on-one counseling and weight loss and smoking clinics and facilities (“Offices”); drug treatment facilities (“Medical Services—Medical-Related Facilities”).

2. **Emergency Shelters (Land Use).** Housing with minimal support services that provides short-term, temporary housing to individuals or families ~~for homeless persons that is limited to~~ occupancy of six (6) months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay. This definition includes emergency shelters required to respond to a state and locally designated emergency, such as shelters provided by the American Red Cross or the federal or state government. Related services that may be provided in conjunction with a temporary residential shelter include health care, mental health services, counseling, case management, permanent housing assistance programs,

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job training, day centers for single adults, meal service facilities, child day care, and day centers for families.

3. **Feeding Centers (Land Use).** Any place where food is served or dispensed and the operation is conducted as a nonprofit, charitable operation, including mission feeding centers, soup kitchens, church organization food outlets, and charitable rehabilitation centers.

### SECTION XXXVIII: AMENDMENT OF CODE

The following definitions of Title 16, Chapter 16.240, Section 16.240.020 of the Stockton Municipal Code (SMC) are removed, as follows:

~~**Density Bonus.** A density bonus, as defined by California Government Code Section 65915 et seq., is an increase in density over the maximum allowable residential density under the applicable zoning ordinance and land use element of the General Plan. It also includes a 25 percent increase in the number of condominium units within an existing condominium structure or a structure proposed for conversion to condominiums and a floor area ratio bonus over the maximum allowed density.~~

~~1. **Child Care Facility.** A facility for the care of children other than a small or large family child care home. Includes child care centers, infant centers, preschools, extended day care facilities, and school age child care centers.~~

~~2. **Developer.** The owner or other person, including a lessee, having the right under the applicable zoning ordinance of the City to make application for development approvals for the development or redevelopment of a project (Government Code Section 65917.5(a)(3)).~~

~~3. **Development Standard.** Site or construction conditions that apply to a residential development in compliance with any ordinance, General Plan element, specific plan, Charter amendment, or other local condition, law, policy, resolution, or regulation.~~

~~4. **Floor Area (Child Care Facility).** The total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in compliance with applicable State child care licensing requirements and Government Code Section 65917.5(a)(4).~~

~~5. **Housing Development.** One or more groups of projects for residential units constructed in the planned development of the City. Also includes a subdivision or common interest development as defined in Section 1351 of the Civil Code that is approved by the City, and consisting of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4 of the Government Code, where the result of the rehabilitation would be a new increase in available residential units.~~



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~~6. **Incentive.** A modification of a City development standard or additional units or floor area.~~

~~7. **Maximum Allowable Residential Density.** The maximum allowable density for the specific zoning district applicable to the project.~~

~~8. **Residential Development Project.** Detached single-family dwellings, multiple-dwelling structures, groups of dwellings, condominium or townhouse developments, condominium conversions, cooperative developments, and multiuse developments that include housing units. Also includes contiguous or noncontiguous parcels that have one (1) or more applications filed within a 24-month period and which are under the same ownership.~~

### SECTION XXXIX: AMENDMENT OF CODE

The following definitions of Title 16, Chapter 16.240, Section 16.240.020 of the Stockton Municipal Code (SMC) are added, as follows:

~~† **Alcoholic Beverage Sales (Land Use).** See SMC section 16.80.040.C (Definitions) for detail.~~

~~**Gross Acres:** The entire acreage of a site. Gross acreage is calculated to the centerline of proposed bounding streets and to the edge of the right-of-way of existing or dedicated streets.~~

~~† **Low Barrier Navigation Center (Land Use).** Shall have the same meaning defined at Government Code Section 65660 and adhere to all standards at Government Code Section 65662.~~

~~**Tiny Homes (Permanent).** Detached dwelling units typically sized under 400 square feet or smaller placed on permanent foundations.~~

~~**Tiny Homes (Temporary).** Detached residential units typically sized under 400 square feet or smaller not placed on permanent foundations.~~

### SECTION XL: SEVERABILITY

If any of this ordinance or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the act which can be given without the invalid provision or application, and to this end, the provisions of this act are severable.

### SECTION XLI: EFFECTIVE DATE

This Ordinance shall take effect and be in full force thirty (30) days after its passage.

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ADOPTED: \_\_\_\_\_

EFFECTIVE: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
ELIZA R. GARZA, CMC  
City Clerk of the City of Stockton

\_\_\_\_\_  
MICHAEL D. TUBBS  
Mayor of the City of Stockton